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THE

SPEECH

OF THE

RIGHT HONOURABLE

JOHN, EARL OF CLARE.

&c. &c. &c.

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THE

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&c. &c. &c.

THE

SPEECH

OF THE RIGHT HONOURABLE

JOHN, EARL OF CLARE,

LORD HIGH CHANCELLOR OF IRELAND,

IN THE HOUSE OF LORDS OF IRELAND,

ON A MOTION MADE BY HIM

ON MONDAY, FEBRUARY 10, 1800.

" That in Order to promote and ſecure the eſſential Intereſts of Great Britain and
" Ireland, and to conſolidate the Strength, Power, and Reſources of the Bri-
" tiſh Empire, it will be adviſeable to concur in ſuch Meaſures as may beſt
" tend to unite the two Kingdoms, in ſuch Manner, and on ſuch Terms and
" Conditions, as may be eſtabliſhed by Acts of the reſpective Parliaments of
" Great Britain and Ireland."

By Authority.

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LORD CHANCELLOR's SPEECH,

IN THE

House of Lords of Ireland,

MONDAY, FEBRUARY 10, 1800.

he Order of the Day being read for taking his Majeſty's Meſſage into Conſideration, relative to the propoſed LEGISLATIVE UNION *between* Great Britain *and* Ireland, *and the Articles for that Purpoſe.*

The Lord Chancellor aroſe and ſpoke as follows,

MY LORDS,

I RISE to call your Lordſhips attention to a ſubject, certainly the moſt momentous which has ever been ſubmitted for deciſion to the Parliament

of this Country; a ſubject embracing the vital intereſts of Ireland, and intimately affecting the ſtrength and proſperity of the Britiſh Empire. In this grave Aſſembly, I feel perfect confidence, it will receive a calm, and patient, and diſpaſſionate inveſtigation. I am ſenſible, nevertheleſs, that it falls to my lot to addreſs your Lordſhips under great diſadvantages. The beſt talents, the moſt enlightened minds of which the Britiſh empire has ever had to boaſt, have been rouſed to exertion in contemplating an Incorporation of theſe kingdoms; and after the brilliant and ample diſcuſſion which the ſubject has received in both countries, it cannot well be expected of me to throw new light upon it. But when I recollect the criminal and unexampled efforts which have been made, from the moment when this meaſure was firſt propoſed for diſcuſſion, to bear it down by noiſe, and faction, and intrigue, if not by recommendations of open rebellion.—I ſhould condemn myſelf for a groſs dereliction of my duty, if I were to forbear to ſubmit it to your Lordſhips moſt ſerious conſideration, in all its various and important views and bearings; more eſpecially as I feel a ſtrong conviction indeed, that nothing but Union can ſave this kingdom from annihilation, and eventually uphold the ſtability of the Britiſh Empire.

My opinions on this ſubject have not been recently or lightly formed; early profeſſional habits had taught me to inveſtigate the foundation of Iriſh titles, and of neceſſity to look back into Iriſh hiſtory: it has been my fortune to be called into active and forward public ſervice, perhaps during the moſt eventful period of it, and from a critical and attentive obſervation of what has paſſed in Ireland for the laſt twenty years, I am ſatisfied in my judgment and conſcience, that the exiſtence of her independent Parliament has gradually led to her recent complicated and bitter calamities, and that it has at length become deſperate and impracticable. I did, more than once, when I ſat in the Houſe of Commons, ſtate, without reſerve, that the rapid growth of faction, and precipitate folly and paſſion of men, who from time to time were ſuffered to take a commanding lead in the Councils of that aſſembly, would inevitably reduce us to the alternative of Separation or Union. I have with as little reſerve ſtated the ſame opinion ſince I have had the honour of a ſeat in this Houſe, and I make no ſcruple to avow, that in every communication which I have had with the King's miniſters on Iriſh affairs for the laſt ſeven years, I have uniformly and diſtinctly preſſed upon them the urgent neceſſity of Union, as the laſt reſource to preſerve this Country to the Britiſh Crown. I preſſed it without effect, until Britiſh miniſters

miniſters and the Britiſh nation were rouſed to a ſenſe of the common danger, by the late ſanguinary and unprovoked rebellion.

It ſeems perfectly immaterial now to enquire what was the origin of that connexion which has ſubſiſted for more than ſix centuries between this country and England, whether it originated in conqueſt, as Engliſh lawyers and hiſtorians have confidently advanced, or, as we aſſert with equal confidence, in a federal compact of ſome old Iriſh chiefs with the Engliſh king. Of the hiſtorical fact, however, no doubt can be entertained, that before that connexion, Ireland never enjoyed a ſtate of domeſtic ſecurity, or a government or conſtitution capable of protecting her inhabitants from violation in their perſons or property. If the conqueſt of Ireland was the object of the Engliſh king, his embarraſſments on the continent ſeem to have diſabled him from effecting it, the firſt Engliſh ſettlements here having been merely colonial, ſuch as have ſince been made by the different nations of Europe, on the coaſts of Aſia, Africa or America, during ſeveral ſucceſſive reigns the Engliſh colony was left to thrive by its own ſtrength and reſources, having received no other reinforcement than the occaſional arrival of new Britiſh adventurers: The conſequence was, that for centuries the Engliſh pale was not puſhed beyond its original

ginal limits. So late as the reign of Henry the Eighth, it conſiſted of four Shires only, and Mr. Allen, then Maſter of the Rolls, reported to the king, that his laws *were* not obeyed twenty miles from the Capital. The common obſervation of the country was, that they who dwelt by weſt of the River Barrow, dwelt by weſt of the law.

The early policy of the Engliſh government certainly was, to diſcourage all connexion of the colony with the native Iriſh; the ſtatute of Kilkenny, enacted by the provincial aſſembly of the pale in the reign of Edward III. having prohibited marriage or goſſipred with the Iriſhry, or claiming the benefit of the Brehon law, by any perſon of Engliſh blood, under the penalties of treaſon. This ſtatute has been much extolled by Sir John Davies, as eminently qualified to reform the degenerate Engliſh, as he calls them: it ſeems difficult, however, to reconcile it to any principle of ſound policy; it was a declaration of perpetual war, not only againſt the native Iriſh, but againſt every perſon of Engliſh blood, who had ſettled beyond the limits of the pale, and from motives of perſonal intereſt or convenience, had formed connexions with the natives, or adopted their laws and cuſtoms; and it had the full effect which might have been expected, it drew cloſer the confederacy it was meant to diſſolve, and implicated the colony of the pale in ceaſeleſs warfare

fare and contention with each other, and with the inhabitants of the adjacent diſtricts.

Such was the ſtate of Ireland when the attempt was firſt made to promulgate the Engliſh ſtatute law here; and it is not extraordinary that in the complicated quarrels and promiſcuous warfare which had ſubſiſted for centuries between the native Iriſh and degenerate Engliſh, and Engliſh of blood and Engliſh of birth within the pale, that the attempt proved altogether abortive. The taunting anſwer of Maguire chief of Fermanagh, to the Lord Deputy, who applied to him to receive a Sheriff commiſſioned by Henry VIII. ſufficiently explains the ſtate of the country, and the authority of the King's government in it.—" Your Sheriff ſhall be welcome to me, but if he comes, ſend me his *Eric*, (the price of his head) that if my people ſlay him, I may fine them accordingly."

In the ſame reign a formal treaty was made with the Earl of Deſmond, for his permiſſion that the Engliſh law ſhould be executed, and the ſubſidies granted by the Parliament of the pale be levied in his country; and other chiefs treated for the admiſſion of the King's Judges, or arbitrators as they called them, on condition only that they ſhould obſerve the Iriſh law; and perhaps if theſe Judges, or any other officers commiſſioned by the Crown, had been authorized to act as arbitra-

tors

tors to compoſe the feuds and animoſities of the Iriſh tribes and powerful Lords of Engliſh blood, the habitual and licentious turbulence of the Iriſh nation might gradually have ſubſided, and acquieſced in the eſtabliſhment of a rational and civilized government; but fatally at this time a new ſchiſm aroſe, which has been the bane and peſtilence of Ireland. It has rendered her a blank amongſt the nations of Europe, and will I fear long continue to retard her progreſs in the civilized world.

In every other nation of Europe where the reformed religion is eſtabliſhed, it has been the reſult of enquiry and conviction.—It has kept pace with the progreſs of ſcience, and the human mind, revolting from the impoſitions which had been practiſed upon it for ages, ſhook off the yoke of bigotry and ſuperſtition; but Ireland, cut off from all communication with the civilized world, and enveloped in dark and impenetrable ignorance, continued blindly devoted to the ſuperſtitious errors of the Popiſh faith, ſunk as ſhe was below the reach of curioſity or ſpeculation, it was equally hopeleſs and impolitic to call upon the people at once to abjure the religion of their anceſtors, and to ſubſcribe to new doctrines which they were utterly incapable of underſtanding. In the reign of Henry VIII. no attempt was made to force the reformed liturgy upon them; he was ſatisfied with

a ſilent

a ſilent acquieſcence in his claim of ſupremacy; but on his death this ſyſtem of moderation was deſerted; orders were iſſued by the Regency for enforcing the uſe of the Engliſh liturgy, and ſtripping the churches of their old ornaments in every diſtrict in which the Engliſh power was acknowledged. In the ſucceeding reign the tables were reverſed:—the Proteſtant Churches were ſhut; the Popiſh liturgy and old enſigns of ſuperſtition were reſtored; and a Bull of Pope Paul the IV. for remiſſion of paſt hereſies, and receiving the penitent Iriſh into the boſom of the holy church, was accepted by both Houſes of the Colonial Parliament, kneeling devoutly on their knees, and enacted and confirmed by ſtatute. This extraordinary inſtrument, with the detail of its legiſlative conſecration, remains at this hour on your ſtatute book. In the reign of Elizabeth a new reverſe took place, without regard to the Bull of Paul, received and confirmed by the Iriſh Statute, the Popiſh churches were again ſtripped of their ornaments; the reformed liturgy was again enforced; and the Engliſh act of uniformity was enacted by the colonial parliament; and what ſeems to be a ſoleciſm in the hiſtory of legiſlation, in the body of this act, by which the uſe of the Engliſh liturgy, and a ſtrict conformity to it, are enjoined under ſevere penalties, a clauſe is introduced, reciting, that Engliſh miniſters cannot be found to ſerve in Iriſh churches; that the Iriſh people did

not

not underſtand the Engliſh language, that the church ſervice cannot be celebrated in Iriſh, as well for difficulty to get it printed, as that few in the whole realm can read. And what is the remedy?—If the Miniſter of the Goſpel cannot ſpeak Engliſh, he may celebrate the church ſervice in the Latin tongue;—a language certainly as unintelligible to his congregation as the Engliſh tongue; and probably not very familiar to the Miniſter thus authoriſed to uſe it.

It ſeems difficult to conceive any more unjuſt or impolitic act of government; than an attempt thus to force new modes of religious faith and worſhip, by ſevere penalties upon a rude and ſuperſtitious and unlettered people. Perſecution or attempts to force conſcience will never produce conviction.—They are calculated only to make hypocrites or martyrs; and accordingly the violence committed by the regency of Edward, and continued by Elizabeth, to force the reformed religion in Ireland, had no other effect than to foment a general diſaffection to the Engliſh government; a diſaffection ſo general as to induce Philip the II. of Spain to attempt partial deſcents on the ſouthern coaſts of this iſland, preparatory to his meditated attack upon England.—Elizabeth quickly ſaw her danger, and that it was neceſſary without delay to ſecure the poſſeſſion of Ireland; ſhe ſent over a powerful and well appointed army, and after a difficult

and bloody war of ſeven years, effected the complete reduction of the iſland, which to the period of this firſt conqueſt, had been divided into a number of licentious and independent tribes, under the rule of the antient chiefs of the country, and powerful Lords of Engliſh blood, who had obtained profuſe territorial grants from the crown. She did not however live to ſee this reduction completed; the capitulation with O'Neale was not ſigned till ſome time after her death; and therefore her ſucceſſor muſt be conſidered as the firſt Engliſh Monarch who poſſeſſed the complete dominion of Ireland. The acceſſion of James I. I conſider as the æra of connexion between the ſiſter iſlands. Then for the firſt time was the ſpirit of reſiſtance to the Engliſh power broken down, and the Engliſh laws, univerſally acknowledged. Sir John Davies, in the quaint pedantry of his day, deſcribes Juſtice, the ſword having cleared her way, as taking the whole country in her progreſs as Virgo moves in the Zodiack, preceded by Leo.

The firſt object of the King ſeems to have been, to eſtabliſh the reformation, but in purſuing it, unfortunately he adopted the ſame courſe by which his predeceſſors had been miſled; but his meaſures were attended with much more ſerious and extenſive conſequences; their orders for religious reformation had extended only to the churches and

diſtricts

diſtricts within the pale; but the orders ſent by the Council of James I. extended to the whole iſland. The province of Ulſter had been the principal theatre of the late civil war, and had been confiſcated and ſeized into the hands of the crown. The old proprietors who had led the revolt were expelled, and replaced by a new ſet of adventurers from England and Scotland; all Proteſtants, who with a new religion, brought over with them a new ſource of contention with the inhabitants.

One of the modern arts of civil war in Ireland has been, to ſtigmatize the memory of James I. as having ſapped the liberties, and ſubverted the Parliamentary conſtitution of Ireland; and this revolutionary text from the moment it was given out has been enlarged upon with equal aſſiduity and ſucceſs, by every avowed rebel and equivocal loyaliſt in the kingdom. But what is the fact which ſtands recorded and authenticated beyond doubt or controverſy? That Ireland before the acceſſion of James I. never had any thing like a regular government or Parliamentary conſtitution. In the reign of Edward II. the deſcendants of the firſt Engliſh ſettlers had a provincial aſſembly which was called the Parliament of the pale; the ſame ſort of aſſembly was occaſionally ſummoned during ſeveral ſucceſſive reigns, and any man who will take the trouble to read the ſtatute book

will

will find that the principal buſineſs of them all was to paſs ordinances of outlawry againſt the native Iriſh, and inhabitants of Engliſh blood connected with them. But ſuch was the contempt in which theſe aſſemblies were held, that even the coloniſts of the pale conſidered it an inſult to be ſummoned to attend them. The Earl of Deſmond claimed it as the right or privilege of the Lords of Engliſh blood, not to attend theſe aſſemblies, or to come into any walled town but at their will and pleaſure. In the province of Connaught there is not the trace of a claim or any exerciſe of any Parliamentary franchiſe till late in the reign of Elizabeth. In Ulſter none till the reign of James I. Some few of the ſea ports in Munſter had been occaſionally ſummoned to ſend deputies to the colonial Parliament, but ſuch was the ſtate of the country, that they could not make their way to the pale, inſomuch that in the 33d Henry VIII. it was found neceſſary to repeal an ordinance by which the place of meeting of the colonial Parliament was reſtricted to Dublin or Drogheda. The cauſe aſſigned in the act of repeal is, that by reaſon of the diſtance of obedient Shires and Borough towns, and the perilous paſſage by the way from the King's rebels, *theſe* deputies could not attend. And it is quite true that James I. did ſap the liberties of the Iriſh nation to murder obnoxious deputies on their paſſage to attend Parliament. It is equally true that modern aſſertors

tors of Iriſh dignity and Independence have moſt laudably exerted themſelves to revive theſe ſame liberties on a ſolid and permanent baſis, and that the ſovereign Iriſh people have been always extremely tenacious of them, as eſſential to their phyſical conſequence. The crime for which the memory of James I. has been calumniated is, that he laid the foundation of a regular government in Ireland, and of the exiſting eſtabliſhments in church and ſtate. At his acceſſion there were ſcarcely any proteſtants amongſt the old inhabitants of Engliſh blood—amongſt the native Iriſh none—For the laſt twenty years therefore of Elizabeth, ſhe could not venture to call the colonial Parliament. The diſtinction of Engliſhry and Iriſhry had been nearly effaced in her time, and was ſucceeded by a new ſchiſm of proteſtant and papiſt, but from the firſt introduction of his proteſtant colony by James I. the old diſtinctions of native Iriſh and degenerate Engliſh, and Engliſh of blood and Engliſh of birth, were loſt and forgotten; all rallied to the banner of the popiſh faith, and looked upon the new proteſtant ſettlers as the common aggreſſor and enemy; and it is a melancholy truth, that from that day all have clung to the popiſh religion as a common bond of union, and an hereditary pledge of animoſity to Britiſh ſettlers and the Britiſh nation.—What alternative then remained to the King for retaining this country under the dominion of his crown? In the

modern

modern revolutionary phraſe, the phyſical conſequence of the country was arrayed againſt the Engliſh colony and the Engliſh government. He was therefore driven to the neceſſity of treating the old inhabitants as a conquered people, and governing their Country as an Engliſh Province, or of fortifying his Proteſtant colony by inveſting them excluſively with the artificial power of a ſeparate government, which on every principle of ſelf-intereſt, and ſelf-preſervation, they were bound to adminiſter in concert with England. The Executive departments were under the immediate controul of the ordinary royal prerogative: but it was vain to hope that he could retain poſſeſſion of Ireland under a ſeparate government, unleſs a majority of the Iriſh Parliament ſtood well affected to the Engliſh Crown, and Engliſh nation; and to obtain that majority, he reſorted to the exerciſe of a prerogative which has always belonged to the Engliſh Crown, by erecting new counties and incorporating ſome of the principal towns, occupied by the new ſettlers, giving them the franchiſe of ſending Repreſentatives to the Iriſh Parliament: And I repeat, without incurring the hazard of contradiction, that Ireland never had any aſſembly which could be called a Parliament until the reign of James I. The Legiſlative aſſemblies before his acceſſion, were compoſed only of the few perſons who could be prevailed upon to attend rom obedient ſhires and towns within

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the pale, or immediately adjacent to it, and from a few ſcattered Engliſh ſettlements on the coaſts of Munſter: and with all the exertions made in ſupport of the Proteſtant colony, the majority in its favour at the firſt meeting, was little more than Twenty. And it would ſeem that the debates of that day partook pretty largely of modern virulence, for a ſcuffle took place in the Houſe of Commons, which might have ended in bloodſhed, if the precaution had not been taken to diſarm the combatants before they were ſuffered to meet in Parliament.

The ſteady government of Strafford kept down theſe animoſities, which had continued with unabated rancour until his time. But at his removal the old inhabitants, taking advantage of the weakneſs and diſtraction of the Engliſh government, bróke out into open hoſtility and rebellion. The flame had long been ſmothered, and at length burſt forth with a terrible exploſion. The native Iriſh began the inſurrection: but were ſoon joined by the Engliſh colony, and Lords of Engliſh blood, with few exceptions; and after a fierce and bloody conteſt of eleven years, in which the face of the whole iſland was deſolated, and its population nearly extinguiſhed by war, peſtilence, and famine, the inſurgents were ſubdued, and ſuffered all the calamities which could be inflicted on the vanquiſhed party, in a long conteſted civil war;

war; this was a civil war of extermination.—The rebellion of 1798 would have been a war of extermination, if it had not been for the ſtrong and merciful interpoſition of Great Britain; and I could wiſh that the beſotted rebels of this day, who have been ſaved from extermination by a Britiſh Monarch, would look back at the bleſſings of republican liberty, dealt out to their anceſtors by the uſurper Cromwell.

His firſt act was to collect all the native Iriſh who had ſurvived the general deſolation, and remained in the country, and to tranſplant them into the province of Connaught, which had been completely depopulated, and laid waſte in the progreſs of the rebellion. They were ordered to retire there by a certain day, and forbidden to repaſs the river Shannon on pain of death, and this ſentence of deportation was rigidly enforced until the Reſtoration. Their ancient poſſeſſions were ſeized and given up to the conquerors, as were the poſſeſſions of every man who had taken a part in the rebellion, or followed the fortunes of the King, after the murder of Charles I. And this whole fund was diſtributed amongſt the officers and ſoldiers of Gromwell's army, in ſatisfaction of the arrears of their pay, and adventurers who had advanced money to defray the expences of the war. And thus a new Colony of new Settlers, compoſed of all the various ſects which then infeſted England, Independents,

dents, Anabaptiſts, Seceders, Browniſts, Socinians, Millenarians, and Diſſenters of every deſcription, many of them infected with the leaven of democracy, poured into Ireland, and were put into poſſeſſion of the antient inheritance of its inhabitants: And I ſpeak with great perſonal reſpect of the men, when I ſtate that a very conſiderable portion of the opulence and power of the kingdom of Ireland, centers at this day in the deſcendants of this motley collection of Engliſh adventurers.

It ſeems evident from the whole tenor of the declaration made by Charles II. at his reſtoration, that a private ſtipulation had been made by Monck, in favour of Cromwell's ſoldiers and adventurers, who had been put into poſſeſſion of the confiſcated lands in Ireland; and it would have been an act of groſs injuſtice on the part of the king, to have overlooked their intereſts. The civil war of 1641, was a rebellion againſt the Crown of England, and the complete reduction of the Iriſh rebels by Cromwell, redounded eſſentially to the advantage of the Britiſh empire. But admitting the principle in its fulleſt extent, it is impoſſible to defend the Acts of Settlement and Explanation, by which it was carried into effect; and I could wiſh that modern aſſertors of Iriſh dignity and independence would take the trouble to read and underſtand them.

The Act of Settlement profeſſes to have for its object the execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there, and after reciting the rebellion, the enormities committed in the progreſs of it, and the final reduction of the rebels by the king's Engliſh and Proteſtant ſubjects, by a general ſweeping clauſe veſts in the king, his heirs and ſucceſſors, all eſtates real and perſonal of every kind whatſoever in the kingdom of Ireland; which at any time from the 21ſt of October 1641, were ſeized or ſequeſtered into the hands, or to the uſe of Charles I. or the then king, or otherwiſe diſpoſed of, ſet out or ſet apart by reaſon, or on account of the rebellion, or which were allotted, aſſigned, or diſtributed to any perſon or perſons for adventures, arrears, repriſals, or otherwiſe, or whereof any ſoldier, adventurer, or other perſon were in poſſeſſion for or on account of the rebellion: And having thus, in the firſt inſtance, veſted three fourths of the lands and perſonal property of the inhabitants of this iſland in the king, commiſſioners are appointed with full and exclusive authority, to hear and determine all claims upon the general fund, whether of officers and ſoldiers for arrears of pay, of adventurers who had advanced money for carrying on the war, or of innocent papiſts, as they are called. In

other

other words, of the old inhabitants of the iſland, who had been diſpoſſeſſed by Cromwell, not for having taken a part in the rebellion againſt the Engliſh crown, but for their attachment to the fortunes of Charles II. But with reſpect to this claſs of ſufferers, who might naturally have expected a preference of claim, a clauſe is introduced, by which they are poſtponed after a decree of innocence by the Commiſſioners, until previous repriſal ſhall be made to Cromwell's ſoldiers and adventurers, who had obtained poſſeſſion of their inheritance. I will not detain the Houſe with a minute detail of the proviſions of this act, thus paſſed for the ſettlement of Ireland; but I wiſh gentlemen, who call themſelves the dignified and independent Iriſh nation, to know, that ſeven millions eight hundred thouſand acres of land were ſet out under the authority of this act, to a motley crew of Engliſh adventurers, civil and military, nearly to the total excluſion of the old inhabitants of the iſland; many of whom who were innocent of the rebellion, loſt their inheritance, as well for the difficulties impoſed upon them by the court of claims, in the proofs required of their innocence, as from a deficiency in the fund for repriſal to Engliſh adventurers, ariſing principally from a profuſe grant made by the Crown to the Duke of York; and the Parliament of Ireland, having made this ſettlement of the iſland in effect on themſelves, granted an hereditary revenue to the Crown, as an

indemnity

indemnity for the forfeitures thus relinquiſhed by Charles II.

After the expulſion of James from the throne of England, the old inhabitants made a final effort for recovery of their ancient power, in which they were once more defeated by an Engliſh army, and the ſlender reliques of Iriſh poſſeſſions became the ſubject of freſh confiſcation. From the report made by the Commiſſioners appointed by the Parliament of England in 1698, it appears, that the Iriſh ſubjects outlawed for the rebellion of 1688, amounted to three thouſand nine hundred and ſeventy-eight; and that their Iriſh poſſeſſions, ſo far as could be computed, were of the value annually of two hundred and eleven thouſand ſix hundred and twenty-three pounds, compriſing one million ſixty thouſand ſeven hundred and ninety-two acres. This fund was ſold under the authority of an Engliſh act of parliament, to defray the expences incurred by England in reducing the rebels of 1688, and the ſale introduced into Ireland, a new ſet of adventurers.

It is a ſubject of curious and important ſpeculation to look back to the forfeitures of Ireland incurred in the laſt century. The ſuperficial contents of the iſland are calculated at eleven millions and forty-two thouſand ſix hundred and eighty-

two

two acres. Let us now examine the ſtate of forfeitures:

Confiſcated in the reign of James I. the whole of the province of Ulſter containing, Acres - -	2,836,837
Set out by the court of claims at the Reſtoration, Acres -	7,800,000
Forfeitures of 1688, Acres -	1,060,792
Total,	11,697,629

So that the whole of your iſland has been confiſcated, with the exception of the eſtates of five or ſix old families of Engliſh blood, ſome of whom had been attainted in the reign of Henry VIII.; but recovered their poſſeſſions before Tyrone's Rebellion, and had the good fortune to eſcape the pillage of the Engliſh Republic inflicted by Cromwell; and no inconſiderable portion of the iſland has been confiſcated twice or perhaps thrice in the courſe of a century. The ſituation therefore of the Iriſh nation at the Revolution ſtands unparalleled in the hiſtory of the inhabited world. If the wars of England carried on here, from the reign of Elizabeth had been waged againſt a foreign enemy, the inhabitants would have retained their poſſeſſions under the eſtabliſhed law of civilized nations; and their country have been annexed as a province to the Britiſh empire. But the continued and perſevering reſiſtance of Ireland to the Britiſh crown

during

during the whole of the laſt century, was mere rebellion, and the municipal law of England attached upon the crime. What then was the ſituation of Ireland at the Revolution, and what is it at this day? The whole power and property of the country has been conferred by ſucceſſive Monarchs of England upon an Engliſh colony, compoſed of three ſets of Engliſh adventurers, who poured into this country at the termination of three ſucceſſive rebellions.—Confiſcation is their common title; and from their firſt ſettlement they have been hemmed in on every ſide by the old inhabitants of the iſland, brooding over their diſcontents in ſullen indignation. It is painful to me to go into this detail, but we have been for twenty years in a fever of intoxication, and muſt be ſtunned into ſobriety.

What then was the ſecurity of the Engliſh ſettlers for their phyſical exiſtence at the Revolution; and what is the ſecurity of their deſcendants at this day?—The powerful and commanding protection of Great Britain. If by any fatality it fails, you are at the mercy of the old inhabitants of the iſland; and I ſhould have hoped, that the ſamples of mercy exhibited by them in the progreſs of the late rebellion, would have taught the gentlemen who call themſelves the Iriſh nation, to reflect with ſober attention on the dangers which ſurround them. Their anceſtors were ſenſible of it

as became them ;—they ſaw the ſeeds of diſunion in the connexion which then ſubſiſted between this country and Great Britain; ſtrong ſymptoms of political warfare had appeared ſo early as 1698, when heads of a bill were tranſmitted hence under the Great Seal of Ireland, re-enacting an Engliſh act of Parliament, made to bind Ireland.

The Engliſh Houſe of Commons took up the gauntlet with a high hand, a committee was appointed to examine Mr. Molyneux's book, and to report ſuch paſſages in it as they ſhould find denying the authority of the Parliament of England, alſo what proceedings have been in Ireland, that might occaſion the ſaid pamphlet. On the 22nd of June 1698, the committee reported the obnoxious paſſages, and that on inquiry into the proceedings in Ireland which might occaſion the pamphlet, they find in a bill tranſmitted under the great ſeal of Ireland, during the late Parliament there, entitled a bill for the better ſecurity of her Majeſty's perſon and government, that the whole of an act paſſed in England for abrogating the oath of Supremacy in Ireland, and appointing other oaths is re-enacted with ſome alterations, and that in the ſame bill the crown of Ireland is ſtiled the imperial crown of Ireland.—Upon this report, the Houſe reſolved nemine contradicente, "that the book publiſhed by Mr. Molyneux, was of dangerous tendency to the crown and people of England,

land, by denying the authority of the King and Parliament of England to bind the kingdom and people of Ireland, and the ſubordination and dependence that Ireland hath and ought to have upon England, as being united and annexed to the imperial Crown of England. They reſolved alſo that the bill lately tranſmitted from Ireland whereby an act of Parliament made in England expreſsly to bind Ireland is pretended to be re-enacted, had given occaſion and encouragement to forming and publiſhing the dangerous poſitions contained in the ſaid book. The Houſe in a body preſented an addreſs to the King, enlarging in terms of great indignation on the book and its pernicious aſſertions, and on the dangerous tendency of the proceedings of the Iriſh Parliament; beſeeching his Majeſty to exert his royal prudence to prevent their being drawn into example, and to take all neceſſary care that the laws which direct and reſtrain the Parliament of Ireland in their actings be not evaded and concluding with an aſſurance of their ready concurrence and aſſiſtance in a parliamentary way to preſerve and maintain the dependence and ſubordination of Ireland to the imperial crown of England. The King anſwers, "that he will take care that what is complained of ſhall be prevented and redreſſed, as the Commons deſire." Thus were the Parliaments of the two countries at iſſue ſo early as the 10th of King William. But the

Engliſ

Engliſh colony, however ſore they might have felt under the ſharp rebuke of their countrymen, were too ſenſible of the dangers by which they were ſurrounded, and their imbecility to encounter them, to puſh this political quarrel to a breach with the Engliſh Parliament; and at the next meeting of the Parliament of Ireland, which did not take place till the 2nd of Queen Anne, the Houſe of Lords having taken into ſerious conſideration the ſtate of this nation, did on the 25th October 1703, reſolve, * that it was their opinion, upon due conſideration of the preſent conſtitution of this kingdom, that ſuch an humble repreſentation be made to the Queen, of the ſtate and condition thereof, as may beſt incline her Majeſty by ſuch proper means as to her Majeſty ſhould ſeem fit, to promote ſuch an union with England, as may qualify the ſtates of this kingdom, to be repreſented there.

In 1707, the Houſe of Lords again took up the ſame ſubject, and in their addreſs of congratulation to the Queen on the Scotch Union, † beſeech her Majeſty to go on, and extend her favour to all her ſubjects, till none are excluded *from ſo great a bleſſing*, but ſuch as by their own frowardneſs or diſaffection to the public good, bar themſelves from the general advantages of Her Majeſty's reign; and expreſs their hope that Her Majeſty's goodneſs and wiſdom will con-

* Journals of Lords vol 2, p. 29. † Ibid. p. 161.

quer even thoſe, and make them ſenſible of their true intereſt. In the ſame year the Commons addreſſed the Queen to the ſame effect, and from the coldneſs with which ſhe anſwers the addreſſes of both Houſes on this ſubject, it is plain that her miniſters would not liſten to the propoſition of an Union with Ireland; and in finding a ſubſtitute for it, there was a race of impolicy between the countries. The Parliament of England ſeem to have conſidered the permanent debility of Ireland, as their beſt ſecurity for her connexion with the Britiſh crown, and the Iriſh Parliament to have reſted the ſecurity of the colony, upon maintaining a perpetual and impaſſable barrier againſt the ancient inhabitants of the country. The executive government was committed nominally to a Viceroy, but eſſentially to Lords Juſtices, ſelected from the principal State Officers of the country, who were entruſted with the conduct of what was called the King's buſineſs, but might with more propriety have been called the buſineſs of the Lords Juſtices. The Viceroy came to Ireland for a few months only in two years, and returned to England perfectly ſatisfied with his miſſion, if he did not leave the concerns of the Engliſh government worſe than he found them: and the Lords Juſtices in his abſence were entruſted implicitly with the means of conſolidating an ariſtocratic influence, which made them the neceſſary

ceſſary inſtruments of the Engliſh government. After the treaty of Aix-la-Chapelle, the trade of this country had ſo increaſed, that the hereditary revenue was amply ſufficient for every public ſervice, and a conſiderable ſurplus remained in the Exchequer, after defraying every charge upon it, ſo that in effect the crown was little, if at all dependent on Parliament for ſupport; and it is difficult to ſay how long this oligarchy might have kept its ground, if the intrigues of an ambitious eccleſiaſtic, then at the head of the Iriſh church, had not laid the foundation of party heat and animoſities, which have long diſturbed and degraded our Parliamentary proceedings. The great trial of ſtrength between the Primate and the then Speaker of the Houſe of Commons was made in 1753, when a bill was propoſed for applying the ſurplus then in the exchequer to pay a public debt which had been ſome time before contracted. The courtiers of that day, ranged under the eccleſiaſtical banner, contended that this ſurplus belonged to the Crown, and therefore, that the King's previous aſſent to its application, ought to be ſignified before the Commons could appropriate it. The patriots, ranged under the Speaker's banner, inſiſted that no ſuch aſſent was neceſſary, and beat their political adverſaries by a ſmall majority. Heads of a bill for the appropriation paſſed the Commons without taking notice of the

previous aſſent to it. They were rejected by the Crown, and the ſurplus was applied by the royal authority, without the intervention of Parliament. But the Commons took effectualcare that the queſtion ſhould not occur a ſecond time, by appropriating every future ſurplus to their private uſe, under the ſpecious. pretence of local public improvements, Wind-mills and Water-mills, and Canals, and Bridges, and Spinning Jennies, were provided at the public expence, and the Parliamentary patrons of theſe great national objects, entruſted with full diſcretionary powers over the money granted to complete them. From this ſyſtem of local improvement, a double advantage aroſe to the Iriſh ariſtocracy, it kept their followers ſteady in the ranks, and by reducing the Crown to the neceſſity of calling for ſupplies, made the political ſervices of the leaders neceſſary for the ſupport of the King's Government, but the precedent was fatal, and a ſyſtem has gradually been built upon it, which would beat down the moſt powerful nation of the earth. The government of England at length opened their eyes to the defects and dangers of it; they ſhook the power of the ariſtocracy, but were unable to break it down, and ſubſtituted a much more ſerious evil, by giving birth to a race of political adventurers, poſſeſſed of an inexhauſtible ſtock of noiſe and indecorum, always at the diſpoſal of the beſt and

higheſt bidder. Still, however, political ferment led to no ſerious conflict till the period of the American war, when we thought fit to avail ourſelves of the hour of common danger and calamity, to preſs the claims of Ireland in terms of marked hoſtility to the Britiſh nation. The imbecility of Lord Buckinghamſhire's government had arrayed the volunteer army, and the addreſs to his Majeſty, voted in 1779 by the Commons, demanding a free trade as the right of Ireland, was followed inſtantly by a reſolution of thanks to that army for their array. On the old Iriſh volunteers I deſire to be underſtood not to convey any thing like a cenſure. Their conduct will remain a problem in hiſtory; for without the ſhadow of military controul, to their immortal honour it is known, that from their firſt levy, till they diſbanded themſelves, no act of violence or outrage was charged againſt them; and they certainly did on every occaſion where their ſervices were required, exert themſelves with effect to maintain the internal peace of the country. The gentlemen of Ireland were all in their ranks, and maintained a decided influence upon them. But I ſhall never ceaſe to think that the appeals made to that army by the angry politicians of that day were dangerous and ill-judged in the extreme; and that they eſtabliſhed a precedent for rebellion, which has ſince been followed up with full ſucceſs.

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The conceſſion of a free trade was ſucceeded by the demand of a free conſtitution; and the Engliſh colony was taught in an evil hour, to ſeparate itſelf from the Engliſh nation. Inflammatory appeals to the volunteer army, which was held up as the armed majeſty of the people, were made from day to day from the deciſions of Parliament; and the public prints teemed with reſolutions and addreſſes, of menacing violence in the name of different armed bodies, ſtating their determination to aſſiſt the freedom and independence of Ireland to the laſt drop of their blood. The Duke of Portland took upon him the government of Ireland in the midſt of this outcry, very naturally under an impreſſion, that the country was ripe for rebellion; in which however, I have no doubt, he was deceived. I can aſſert with perfect confidence, that no Gentleman of Ireland would at that day have drawn his ſword againſt Great Britain, and it certainly was the duty of the King's ſervants, in whom his repreſentative repoſed a confidence, fully to have explained this to him.

It is the faſhion now to aſſert, that what paſſed at that period was acknowledged in both countries to be a final adjuſtment of all political claims and controverſies between them, and a full ſecurity for their conſtitutional connexion. If it be a final adjuſtment of political controverſy, and a full ſecurity for their connexion, it was achieved with a rapidity unexampled, and by means the moſt extraordinary

extraordinary which have ever attended an adjuſtment of any kind between two independent countries. The hiſtory of this adjuſtment lately given in the name of the gentleman who is ſtyled the Father of it, is—

"That it emanated from the armed con-
"vention aſſembled at Dungannon, was ap-
"proved at county meetings of the people
"armed and unarmed, and was ſanctioned
"and regiſtered by the Iriſh Parliament."

If this hiſtory of our boaſted conſtitution be well founded, I have no ſcruple to declare, that we cannot too ſoon get rid of it; we may very probably, if this be true, have a new armed convention, aſſembled at Wexford or at Naas, and a new conſtitutional emanation from it, of a government compoſed of a directory and two councils, or of a conſulate and tribunate and conſervative ſenate; which I doubt not ſome future Houſe of Commons may ſanction and regiſter in either form. But what is the true hiſtory of this final adjuſtment?—The Duke of Portland arrived at the ſeat of his government in the evening of the 14th of April 1782, during a receſs of Parliament. On the 16th Parliament met, and a meſſage was ſent down to both Houſes, in the King's

name,

ſame, to know the grounds of diſcontent and jealouſy which then prevailed in Ireland, and recommending to Parliament to take them into conſideration. In anſwer to this meſſage, an addreſs was moved in the Commons, by a very reſpectable country gentleman, ſuch as became a ſober and rational man,—" That in obedience to his Majeſty's moſt gracious recommendation, the Commons would without delay take into their conſideration the diſcontents and jealouſies which have ariſen in this kingdom, the cauſes whereof they would inveſtigate with all convenient diſpatch, and humbly ſubmit to his Majeſty's royal juſtice and wiſdom." But the ardour of a popular ſtateſman could not brook the diſgrace of reflection, and an amendment to the addreſs was moved and voted by the Commons in the ſpace of one half hour, containing the whole of this final adjuſtment on the part of Ireland. No man of common ſenſe will believe that the King's miniſters in Great Britain or Ireland, could have been ſuch dupes and drivellers as to reſt the future connexion of the two countries upon ſuch a proceeding. But this no longer remains a queſtion of inference or opinion; the official correſpondence of the Duke of Portland, laid before the Britiſh Houſe of Commons in the laſt ſeſſion of Parliament, clears up the point moſt completely. Our addreſs was voted on the 16th of April—and on the 6th of May following the

Duke

Duke of Portland writes to Lord Shelburne, " recommending to the Britiſh cabinet conceſſion " of all the points demanded by the Iriſh addreſ- " ſes," but " ſtating his perfect confidence in the " readineſs of the Iriſh Parliament to co-operate in " the moſt effectual meaſures either with the King's " confidential ſervants, or by commiſſioners to be " appointed, or through the medium of the Chief " Governor; to ſettle the preciſe limits of the " independence which is required, the conſidera- " tion which ſhould be given for the protection " expected, and the proportion which it would be " proper for them to contribute towards the gene- " ral ſupport of the empire; in purſuance of the " declaration contained in the concluding para- " graph of their own addreſs; the regulation of " the trade would make a very neceſſary article " of the treaty." This communication was made by the Duke of Portland before the claims of Ireland were brought into diſcuſſion in the Britiſh Parliament, and plainly on the faith of this repreſentation made to the Britiſh cabinet, of the readineſs on the part of Ireland to ſettle every queſtion of imperial policy or regulation which might thereafter ariſe, the ſubject of our claims were brought on in the Britiſh Parliament, and on the 17th of May, reſolutions of both Houſes were agreed to, firſt, " That the act of 6 George I. for the better ſecuring the dependency of the kingdom of Ireland upon the Crown of Great Britain

ought to be repealed." And ſecondly, " That it is indiſpenſable to the intereſt and happineſs of the kingdoms of Great Britain and Ireland, that the connexion between them ſhould be eſtabliſhed by mutual conſent on a ſolid and permanent baſis; *and for this purpoſe*, both Houſes addreſs his Majeſty to deſire that he will be graciouſly pleaſed to take ſuch meaſures as his Majeſty ſhould in his royal wiſdom think moſt conducive to the eſtabliſhing by mutual conſent, the connexion between this kingdom and the kingdom of Ireland, upon a ſolid and permanent baſis."

The only act to be done on the part of the Britiſh Parliament in compliance with our addreſs, was the repeal of the Statute of 6 George I. every other article of Iriſh grievance aroſe from Iriſh Statutes, and therefore if the two Houſes of the Britiſh Parliament could have ſuppoſed that the repeal of theſe Statutes alone were to conſtitute a final adjuſtment, or eſtabliſh any thing in the ſhape of ſecurity for the connexion between the two kingdoms, they would have ſtopped at their reſolutions for a repeal of the act of George; but in conformity with the repreſentations of the Duke of Portland, they go on and addreſs his Majeſty. For what?—To take ſuch meaſures as to his royal wiſdom ſhall ſeem meet, and may be moſt conducive to eſtabliſh by mutual conſent the connexion between the two kingdoms upon a ſolid and permanent baſis. That is, " that the king would

be

be pleaſed either by communications made to his confidential ſervants, or through the medium of the chief governor of Ireland, or by commiſſioners, ſet on foot a treaty between his kingdoms of Great Britain and Ireland, to ſettle the preciſe limits of the independence required, the conſideration to be given for the protection expected, and the proportion which it would be proper for Ireland to contribute towards the general ſupport of the empire: in purſuance of the declaration contained in the concluding paragraph of their own addreſs."—A treaty which the Duke of Portland ſtated as eſſential to a final adjuſtment, and in itſelf ſo evidently neceſſary to eſtabliſh peace and connexion between the two countries, that he had perfect confidence in the readineſs of the Iriſh parliament to enter upon and conclude it on fair and honourable terms; a treaty held out to the Britiſh cabinet, as an inducement for conceſſion of all the points demanded by the Iriſh addreſſes: And it is clear and plain that ſome members of the Britiſh cabinet did, without delay, apply themſelves to draw out a plan of ſuch a treaty. For in the ſame correſpondence, we find a letter written on the 20th of May 1782, by the Duke of Portland to Mr. ——, in anſwer to a diſpatch received from him—" I ſhould be very glad " to hear that Lord Charlemont was inclined to " accede to any part, or even to the idea of ſuch a " plan as you have communicated to me; I ſhould

" think

" think it a material ſtep to that ſituation in which " it is the clear intereſt of both kingdoms to be " placed, being convinced that what is moſt like " union is the moſt probable bond of con- " nexion to reſtore and perpetuate the harmony " and proſperity of the two countries." Another member of the cabinet, whoſe title to the reputation of genuine Engliſh whiggiſm noman will deny, the late Marquis of Rockingham, writes at the ſame time to the ſame effect. His letter is dated the 25th of May—" The eſſential points " on the part of Ireland now acceded to; " will, I truſt, eſtabliſh a perfect cordiality be- " tween the two countries, and as there cannot " now exiſt any ground of conteſt or jealouſy " between them on matters of right, the only " object left for both will be how finally to arrange, " ſettle, and adjuſt all matters, whereby the " union of power, ſtrength, and mutual and " reciprocal advantage will be beſt permanently " fixed.—I obſerve in Lord Shelburne's letter to " your Grace of the 18th of May, he ſtates more " reluctance to the idea of commiſſioners than I " ſhould judge to be the general opinion of his " Majeſty's ſervants; the meaſure may be doubt- " ful; but if approved by the leading gentlemen " of Ireland, might be productive of much good."

Here

Here then is damning proof of the falſehood and folly of the aſſertion, that the tranſactions which paſſed in 1782, were conſidered as final between Great Britain and Ireland.—It is plain that they were looked upon by all parties as leading only to a future treaty for conſolidating the ſtrength, and eſtabliſhing the connexion of both countries on a broad and permanent baſis; and no honeſt and ſenſible Iriſhman could have looked to the conceſſions then made by Great Britain, in any other point of view, than the advantage which Ireland derived from them in enabling her to treat on equal terms;—and it was not until the Duke of Portland had every reaſon to believe that ſuch treaty was in a fair train of ſettlement, that he announced the proceedings of the Britiſh parliament in a ſpeech from the throne. This was done on the 27th of May—and on the 6th of June, the Duke of Portland writes to Lord Shelburne:—"I have the beſt reaſon to "hope that I ſhall ſoon be enabled to tranſmit to "you the ſketch or outlines of an act of parlia-"ment to be adopted by the legiſlatures of the "reſpective kingdoms, by which the ſuperintend-"ing power and ſupremacy of Great Britain in "all matters of ſtate and general commerce, will "be virtually and effectually acknowledged; that "a ſhare of the expence in carrying on a de-"fenſive or offenſive war, either in ſupport of "our own dominions, or thoſe of our allies, ſhall

"be

" be borne by Ireland in proportion to the actual
" ſtate of her abilities, and that ſhe will adopt
" every ſuch regulation as may be judged neceſ-
" ſary by Great Britain for the better ordering
" and ſecuring her trade and commerce with fo-
" reign nations, or her own colonies and depen-
" dencies, conſideration being duly had to the
" circumſtances of Ireland.—I am flattered wih
" the moſt poſitive aſſurances from — — —
" and — of their ſupport in carrying ſuch a bill
through both houſes of parliament, and I think it
" moſt adviſeable to bring it to perfection at the
" preſent moment."—And I happen to know from
an unofficial quarter, that the ſketch of ſuch an
act of parliament was then drawn—I know the
gentleman who framed it, and I know from the
ſame quarter, that blank and blank, and blank
and blank did unequivocally ſignify their appro-
bation of it.

It may well be ſuppoſed that this communi-
cation was received with the ſatisfaction which it
demanded by the Britiſh cabinet. On the 9th of
June, Lord Shelburne writes to the Duke of Port-
land in anſwer to his laſt diſpatch:—" The con-
" tents of your Grace's letter of the 6th inſt. are
" too important to heſitate about detaining the meſ-
" ſenger, whilſt I aſſure your Grace of the ſatis-
" faction which I know your letter will give the
" King—

"King—I have lived in the moſt anxious ex-
"pectation of ſome ſuch meaſure offering itſelf:
"nothing prevented my preſſing it in this diſ-
"patch, except having repeatedly ſtated the juſt
"expectations of this country, I was apprehen-
"ſive of giving that the air of demand, which
"would be better left to a voluntary ſpirit of
"juſtice and foreſight. No matter who has the
"merit, let the two kingdoms be one, which
"can only be by Ireland now acknowledging,
"the ſuperintending power and ſupremacy to be
"where nature has placed it, in preciſe and un-
"ambiguous terms. I am ſure I need not incul-
"cate to your Grace, the importance of words
"in an act which muſt decide on the happineſs
"of ages. particularly in what regards contri-
"bution and trade, ſubjects moſt likely to come
"into frequent queſtion."

This bright proſpect of peace and happineſs was, however, very ſoon clouded; for on the 22nd of June, the Duke of Portland writes to Lord Shelburne:—"The diſappointment and mortifi-
"cation I ſuffer by the unexpected change in
"thoſe diſpoſitions which had authorized me to
"entertain the hopes, I had perhaps too ſangui-
"nary expreſſed in my letter of the 6th, muſt
"not prevent me from acquainting you, that for
"the preſent theſe expectations muſt be given
"up—I truſt and am inclined to flatter myſelf

"they

" they are only ſuſpended, and that they will be
" revived when the temper of this country has
" recovered its tone, and acquired that degree
" of compoſure, which muſt give it the firmneſs
" neceſſary for effectuating ſo wiſe and ſalutary
" a meaſure. By the accounts of the events of
" theſe three or four days, and by the timidity
" and jealouſy of the firſt people in this country,
" it is clear that any injudicious or offenſive mea-
" ſure may be prevented, but that any attempt to
" conciliate the minds of this nation to any ſuch
" meaſure as I intimated the hope of, would at
" this moment be deluſive and impoſſible."

To us who were eye-witneſſes of the tranſactions of that day, this ſudden change of diſpoſition is perfectly intelligible. Mr. Flood had ſtarted his political curioſity of ſimple repeal, in the interval between the time of promiſed ſupport of a treaty for final imperial adjuſtment, and this ſudden change of diſpoſition of which the Duke of Portland had ſo much reaſon to complain, he had contrived to turn the tide of popular clamour againſt his political rivals, and they were alarmed leſt in the diſcuſſion of the treaty, he might play the game againſt them, which they played in 1785 againſt the Iriſh nation; by miſtating and miſrepreſenting it, as a ſurrender of Iriſh dignity and independence, and an inſidious reclamation by the Britiſh cabinet of the legiſlative authority of the

Britiſh

Britiſh Parliament; and thus were the peace and happineſs of ages, the clear intereſts of Great Britain and Ireland, and their laſting connexion, ſacrificed to the timidity and jealouſy of the patriot ſtateſmen of 1782, or rather to their corrupt love of a flimſy and precarious popularity. Let them have grace now to hide their heads, and not to talk of final adjuſtment.

But before I diſmiſs this adjuſtment of 1782, I ſhall take leave to advert to the deſcription given by the gentleman who is called the father of it, of the ſponſors of its finality; it is contained in his valedictory addreſs to his conſtituents of the metropolis at the expiration of the laſt Parliament. "The greater part of the Iriſh "Boroughs were creations by the Houſe of Stew-"art, for the avowed purpoſe of modelling and "ſubverting the Parliamentary conſtitution of "Ireland: theſe are underſtated when they are "called abuſes in the conſtitution; they were "groſs and monſtrous violations, recent and "wicked innovations, and fatal uſurpations in "the conſtitution, by Kings whoſe family loſt "their kingdom for crimes leſs deadly to freedom, "and who in their Star chamber tyranny, in their "court of high commiſſion, in their Ship money, "or in their diſpenſing power, did not commit an "act ſo diabolical in intention, ſo mortal in prin-"ciple, or ſo radically ſubverſive of the funda-

" mental rights of the realm, as the fabrication
" of Boroughs; which is the fabrication of a
" court Parliament, and the excluſion of a con-
" ſtitutional commons, and which is a ſubverſion
" not of the fundamental laws but of the conſtitu-
" tional law-giver; you baniſh that family for
" other acts, but you retain that act by which
" you have baniſhed the commons. The birth
" of the Borough inundation was the deſtruction
" of liberty and property. James the I. who
" made that inundation, by that means deſtroyed
" the titles of his Iriſh ſubjects to their lands; the
" robbery of his liberty was followed by the
" robbery of his property. This King had an
" inſtrument more ſubtile and more pliable than
" the ſword, and againſt the liberty of the ſub-
" ject more cold and deadly, a court inſtrument,
" that palls itſelf in the covering of the conſtituti-
" on, and in her own colours and in her name,
" plants the dagger,—*a Borough Parliament.* This
" fabric of Boroughs like a regal pandemonium,
" conſtitutes a regal Houſe of Commons." It is not a little ſingular that this Gentleman has accepted a gift of fifty thouſand pounds from this ſame regal pandemonium; and it is to be hoped that if his benefactors have merited one tenth of his maledictions, he will have the juſtice to bring back the gift, principal and intereſt, into the Exchequer. I am almoſt aſhamed to dwell upon this topic of final adjuſtment, and ſhall refer the

Houſe

Houſe only to the comment of one other of the parties to it. Mr. Fox, a leading member of the Britiſh cabinet in 1782, on the 22nd of June 1785, in one of his ſpeeches againſt the commercial propoſitions, he declares, that no commercial regulation had been intended by the adminiſtration of 1782, in propoſing the ſecond reſolution on the Iriſh addreſs; " there were, he ſaid, " at that time certainly ſome regulations wanting " between the two countries, which were to extend " to political objects alone, and not to commercial, " they went to eſtabliſh what was much wanted, " ſomething to replace that power, which in their " ſtruggles for independence, the Iriſh had im- " prudently inſiſted on having aboliſhed, and " which he had given up, in compliance with " the ſtrong current of prejudice of that nation, " tho' with a reluctance which nothing but irre- " ſiſtible neceſſity could have overcome; the " power which he wiſhed to have ſeen replaced, " was that which had ſo often been of late under " diſcuſſion in the Parliament, and which had " been variouſly termed, ſometimes called com- " mercial, at other times external, and frequent- " ly imperial legiſlation. That power being pre- " cipitately aboliſhed, ſome ſuccedaneum ſhould " be found for it, for without one general ſuperin- " tending authority, to embrace and comprehend " the whole ſyſtem of the navigation of the empire,

" it

" it muſt neceſſarily happen that much confuſion
" and great inconvenience will take place."

But let me admit, in contradiction to theſe damning proofs, that this was conſidered by both countries as a final adjuſtment. If practice and experience have proved that it has ſowed the ſeeds of ceaſeleſs contention and periodical rebellion, is there a principle of ſound policy or common ſenſe to preclude a reviſion of it?

Waving for a moment the dignity and independence of imperial Ireland, let us ſee how her government in its preſent ſtate of connexion with Great Britain muſt be adminiſtered. We admit the dependence of the Crown of Ireland upon the Crown of Great Britain, but there is a diſtinct Parliament in each country, exerciſing all legiſlative functions without reſtriction; the unity and dependence of our executive is unqueſtioned, but all Legiſlative authority in either country is denied to the other, not only in municipal regulations, but in every branch of imperial policy, whether of trade and navigation, of peace and war, of revenue, or of the executive government, when it may happen to be committed to a Regency. Between two countries equal in power, ſuch a connexion could not ſubſiſt for one hour, and therefore, its exiſtence muſt depend upon the admitted inferiority and maſked

ſubordination

ſubordination of one of them. Ireland is that inferior country, and call her conſtitution independent or dignified, or by any other high ſounding title in the Iriſh Vocabulary, her's muſt be a provincial government, and of the worſt deſcription; a government maintained, not by the avowed exerciſe of legitimate authority, but by a permanent and commanding influence of the Engliſh executive in the councils of Ireland, as a neceſſary ſubſtitute for it. In the preſent ſtate of connexion between Great Britain and Ireland there can be no other bond of their Union. If there be not an implicit concurrence by Ireland, in every imperial act of the Crown, which has the ſanction of the Britiſh Parliament, and in every article of Britiſh Legiſlation upon imperial ſubjects, there is an end of your connexion with the Britiſh nation; and I repeat, that the only ſecurity which can by poſſibility exiſt for this national concurrence, is a permanent and commanding influence of the Engliſh executive or rather of the Engliſh cabinet, in the councils of Ireland. Such a connexion is formed, not for mutual ſtrength and ſecurity, but for mutual debility,—it is a connexion of diſtinct minds and diſtinct intereſts, generating national diſcontent and jealouſy, and perpetuating faction and miſgovernment in the inferior country. The firſt obvious diſadvantage to Ireland is, that in every department of the ſtate, every other conſidera-

ation

tion muſt yield to Parliamentary power; let the miſconduct of any public officer be what it may, if he is ſupported by a powerful Parliamentary intereſt he is too ſtrong for the King's repreſentative. A majority in the parliament of Great Britain, will defeat the miniſter of the day; but a majority in the parliament of Ireland againſt the king's government, goes directly to ſeparate this kingdom from the Britiſh crown; if it continues, ſeperation or war is the inevitable iſſue--and therefore it is, that the general executive of the empire, ſo far as is eſſential to retain Ireland as a member of it, is completely at the mercy of the Iriſh parliament: and it is vain to expect, ſo long as man continues to be a creature of paſſion and intereſt, that he will not avail himſelf of the critical and difficult ſituation, in which the executive government of this kingdom muſt ever remain, under its preſent conſtitution, to demand the favours of the Crown, not as the reward of loyalty and ſervice, but as the ſtipulated price, to be paid in advance, for the diſcharge of a public duty.—Every unprincipled and noiſy adventurer who can atcheive the means of putting himſelf forward, commences his political career on an avowed ſpeculation of profit and loſs, and if he fails to negociate his political job, will endeavour to extort it by faction and ſedition, and with unbluſhing effrontery, to faſten his own corruption on the King's Miniſters.—Engliſh influence is the inexhauſtible theme for

popular

popular irritation and diſtruſt of every factious and diſcontented man who fails in the ſtruggle to make himſelf the neceſſary inſtrument of it.—Am I then juſtified, in ſtating that our preſent connexion with Great Britain, is in its nature formed for mutual debility; that it muſt continue to generate national diſcontent and jealouſy, and perpetuate faction and miſgovernment in Ireland? I will now ſtate with equal confidence that our preſent connexion is formed for periodical Iriſh rebellions, ſo often as Great Britain is engaged in a foreign war.

It is a fact of public notoriety that on the acknowledgment of Iriſh independence in 1782, the firſt ſtep taken by ſome gentlemen of this country, who have been in the habit of conſidering the Iriſh nation as their political inheritance, was to make it a muniment of their title, by forming a political confederacy offenſive and defenſive in both countries. The baſis of this alliance was, mutual engagement to play the independence of Ireland againſt their political antagoniſts whenever they happened to occupy the ſeat of power; and if I am to judge by the conduct of the parties principally concerned up to this hour, to foment turbulence and faction in Ireland even to open rebellion, if it ſhould be found neceſſary to the removal of an obnoxious Britiſh adminiſtration.—In proſecution of this very laudable

able ſyſtem, it became an eſſential object of the confederacy to guard againſt any ſettlement between Great Britain and Ireland, which might cut off the moſt obvious ſources of mutual jealouſy and diſcontent, and the addreſs with which this was effected in 1785, will remain a memorable example of the virtues and talents of gentlemen, who had the merit of baffling the commercial treaty of that day. The principal articles of it had been firſt propoſed in the Iriſh parliament, and ſent over to Great Britain for the concurrence of the parliament of that country. The Britiſh merchants and manufacturers inſtantly took the alarm. They crowded to the bar of the Britiſh Houſe of Commons with petitions againſt the Iriſh propoſitions, as calculated to transfer the wealth and induſtry and population of Great Britain to this country. Parliament however had wiſdom and firmneſs to withſtand this groundleſs clamour, and the propoſitions ſent from Ireland, were in ſubſtance agreed to. One article of the treaty was, that the precarious grant to Ireland in 1779, of a right to trade with the Britiſh colonies and plantations ſhould be confirmed and made perpetual. And in the courſe of debate it was objected, and with great reaſon, that Ireland being an independent kingdom, there was no ſecurity for her adopting the regulations made by Great Britain, of her trade and navigation

gation with theſe ſame colonies and plantations. To obviate this objection an article was propoſed by Great Britain for our adoption, ſtipulating that ſo long as Ireland continued to trade with the Britiſh colonies and plantations, ſhe would adopt the regulations of trade and navigation impoſed by the Britiſh parliament on Britiſh ſubjects in carrying on the ſame trade, and that whenever Ireland did not chuſe ſo to do, for ſo much the treaty ſhould be at an end —inſtantly the members in the Britiſh parliament who had theretofore oppoſed the treaty as being excluſively beneficial to this country, ſhifted their ground, they became the loudeſt champions of Iriſh independence, and reſiſted this article, of which they were in effect the authors, as an infringement of our recently acquired free conſtitution, and an inſidious attempt to reclaim the legiſlative ſupremacy of Great Britain.

I have been informed from authority which I cannot doubt, that this curioſity was ſtruck out by a gentleman of diſtinguiſhed ability, a native of this country, who has long been a member of the Britiſh Houſe of Commons; and that when he firſt ſtated it to the party with whom he acted, they reprobated the deception as too groſs even for Iriſh dupery. He told them, "I know my countrymen, and be aſſured they will ſwallow the bait."

The event has fully eſtabliſhed his ſagacity and intimate knowledge of his countrymen; the Iriſh gudgeon did ſwallow the bait, plain and palpable as it was.—Periſh the Empire—live the Conſtitution! was the theme of Iriſh dignity of that day; a ſpecies of ſurvivorſhip not altogether intelligible to a man of plain underſtanding; but the jargon was received with general and enthuſiaſtic acclamation, as a ſublime effuſion of Iriſh eloquence, and unanſwerable proof of Britiſh duplicity. Will any man be found at this day to believe, that the forward characters in this Iriſh farce were duped by their Britiſh connexions? No. The ſolid intereſts of Great Britain and Ireland, and the fair foundation of their permanent connexion were ſacrificed on the altar of faction; and in leſs than three years from the period of boaſted final adjuſtment, did imperial Ireland come to a breach with the Britiſh nation on the important imperial queſtion of trade and navigation. Within the next four years a new imperial queſtion aroſe, the moſt critical and important which could have come into diſcuſſion; a queſtion of the identity of the executive power; and here again imperial Ireland came to a breach with the Britiſh nation, marked by virulent hoſtility. It had pleaſed God to afflict our good and beloved King with a malady, which induced a momentary diſability in the perſonal exerciſe of his royal functions. The Parliament of Great Britain

to whom this great public calamity was announced almoſt immediately after it had been viſited on the Britiſh empire, proceeded with becoming deliberation to provide for the exerciſe of the royal functions, during their ſuſpenſion in the perſon of the Sovereign; and whilſt their deliberations depended, the Parliament of Ireland met. I was then a member of the Houſe of Commons, and ſpeak now from my knowledge of their proceeding. On the 5th of February, 1789, this calamity was announced to the Lords and Commons, by the Marquis of Buckingham, in a ſpeech from the throne; and on the next day many voluminous documents explaining the nature and extent of it, were by his command laid on the table of the Houſe of Commons. It was propoſed, that an interval of ten days ſhould be allowed for conſideration; and that the Houſe ſhould reſolve itſelf into a committee on the 16th of February, to take into conſideration the ſtate of the nation. This propoſition, however, was negatived by a majority nearly of fifty, and the committee was ordered to ſit on the 11th. The documents on which they profeſſed to ground their deliberations, were printed by order, and were delivered to the members wet from the preſs, as they entered the Houſe of Commons on the 11th, the day on which the committee ſat. I preſſed in vain for an adjournment even of one day, that ſome appearance of decency might be kept up upon a ſubject

ject ſo ſerious and ſolemn; and being overruled, I deſired, that the printed documents might be read by the clerk of the committee at the table. This could not be refuſed, but ſuch was the noiſe and confuſion that prevailed when he ſet about to read the evidence on which the deliberations of the Britiſh parliament were at that moment engaged, that I gave it up, and the committee proceeded to ſettle this momentous queſtion, without a tittle of evidence before them, on which they could be ſuppoſed to found a parliamentary proceeding. Before their adjournment, however, they came to two reſolutions:—Firſt, that the perſonal exerciſe of the royal authority was interrupted for the preſent, by his Majeſty's indiſpoſition: And ſecond, that an humble addreſs ſhould be preſented to his Royal Highneſs the Prince of Wales to requeſt of him to take upon himſelf the government of this kingdom, during his Majeſty's indiſpoſition, under the ſtile and title of Prince Regent of Ireland. The committee made their report the ſame night; and it was inſtantly received and agreed to. The next day the addreſs was voted by the Houſe of Commons, and ſent up to the Lords for their concurrence; and thus within ſix days from the time when this moſt momentous queſtion was firſt ſubmitted to the Commons of Ireland, did they diſpoſe of it, without a ſemblance of decency or deliberation, and in direct violation of the law. The addreſs underwent

went ſome ſlight alteration in this Houſe, and was brought up to the King's Repreſentative on the 18th of February by both Houſes, for tranſmiſſion to his Royal Highneſs the Prince of Wales. When Lord Buckingham informed them, "that under the impreſſions which he felt of public duty, and of the oath of office he had taken, he was obliged to decline tranſmitting their addreſs into Great Britain, not conceiving himſelf warranted to lay before the Prince of Wales an addreſs purporting to inveſt his Royal Highneſs with powers to take upon him the government of this realm, before he ſhall by law be enabled ſo to do," the Commons were pleaſed to take fire at this refuſal, which they treated as an inſult to their dignity, and proceeded to aſſert it, by ſelecting four very worthy gentlemen as parliamentary commiſſioners for preſenting their addreſs, who on their arrival at the city of London, found they were bearers of a fool's meſſage, and by voting what they called a cenſure on the King's Repreſentative; but what I ſhall always conſider as a very honourable mark of diſtinction for not ſacrificing his allegiance, and violating his oath of office in compliment to their paſſion and folly, they reſolved "that in addreſſing his Royal Highneſs the Prince of Wales to take upon him the government of this country, the Lords and Commons of Ireland have exerciſed an undoubted right, and diſcharged an indiſpenſable duty, to which they only

only are competent." And further, that his Excellency's anſwer to both Houſes of Parliament is ill-adviſed, contains an unwarranted and unconſtitutional cenſure on the proceedings of both Houſes of Parliament, and attempts to queſtion the undoubted rights and privileges of the Lords and Commons of Ireland. It ſo happened, that the Lord Lieutenant's Secretary received his diſpatches in the Houſe of Commons, during the ſenſible and temperate debate upon theſe reſolutions; and the King's convaleſcence was announced in the London Gazette, under the authority of Doctor Warren, who was not the moſt ſanguine of his Majeſty's phyſicians, as having taken place, on the 11th of February, the day on which the Iriſh Houſe of Commons had voted the ſuſpenſion of his royal functions; and when I ſhewed this Gazette to the gentlemen who then compoſed the Iriſh government, with a recommendation to them at leaſt to ſuſpend the miſſion of their commiſſioners, I have a perfect recollection, that ſome of them accuſed me of producing a forged Gazette.

Let me appeal to every ſober member of the community, whether this country can ever recover this ſhock to her ſecurity, under the preſent form of her connexion. You have here recorded on the Journals of Parliament a broad precedent for ſeparation. Nay, if the proceedings of the

Iriſh Parliament can be ſuppoſed to have any thing of validity in them, you were for ſome weeks in a ſtate of actual ſeparation from Great Britain. I can aſſert with perfect confidence, that for ſeveral weeks the authority of the Britiſh crown was not acknowledged in Ireland.

The authors of this enormity aſſert, in extenuation of their conduct, that their choice fell upon the ſame perſonage whom it was known the Britiſh parliament, would of neceſſity, look to in the exiſting emergency; but if Ireland has a choice, the principle of ſeparation is eſtabliſhed, and the principle not only ſtands broadly aſſerted on the Journal of Parliament, but has been acted upon by two branches of the legiſlature.—If Ireland has a choice of her Regency during any fortuitous incapacity attached to the Crown, that choice may fall hereafter, on a French, or an Iriſh Conſul; and when we look at the further extravagancies of the Houſe of Commons in 1789, it is by no means an impoſſible event. The ſupplies for that year had been voted in committee for the ordinary period, to the 25th of March 1790; but before the report of the committees of ſupply and ways and means, his Majeſty's recovery was announced; the Mutiny Bill had alſo been agreed to in the committee for the ordinary term of one year; and what was the offering

up to this Houſe in a future parliament, attended by a ſtinted Bill of Supply and a ſtinted Mutiny Bill? Every argument in favour of Iriſh dignity and independence which prevailed in the appointment of an Iriſh Regency in 1789, will apply with equal force to a diſtinct ſettlement of the Iriſh Crown, and the objection of ſeparation will be anſwered by the Iriſh ſettlement of the Crown, upon the auguſt and illuſtrious Houſe of the Britiſh monarch. If I am told that the good ſenſe and diſcretion of any future Houſe of Commons, will afford full protection againſt ſuch an extravagance, I will anſwer, the precedent of 1789 has taught me to appreciate the ſecurity. I make no ſcruple to avow, that when I look back to the events of the laſt twenty years, I ſhould feel moſt happy to commit my country to the ſober diſcretion of the Britiſh parliament, even though we had not a ſingle repreſentative in it. Let the people of Great Britain be taught to underſtand the ſolid intereſts of Ireland, and I have no fear that they will not attend to them.

It might reaſonably have been expected that the gentlemen who took upon them the office of Miniſters of the Iriſh people in 1782, and now aſſert the final adjuſtment of conſtitutional queſtions at that period, would have exerciſed their functions with fidelity, and definitively have ſettled the government of the country; but on their diſmiſſio

diſmiſſion of ſome of them from the King's ſervice after his Majeſty's recovery, a new conſtitutional budget was produced. When the confidence of the Crown was withdrawn from theſe gentlemen, their pereeption was ſharpened, and a ſecond conſtitutional project was brought forward, not compoſed of the preſent eſſentials of Liberty, Reform, and Emancipation, but what the party called the internal reform of the Houſe of Commons, the perfect aſſimilation of the Iriſh to the Engliſh conſtitution. The means to attain this deſirable end were ſpecifically ſtated—a limitation of the penſion liſt—an excluſion of penſioners from the Houſe of Commons—a reſtriction of placemen who ſhould ſit there—a reſponſibility for the receipt and iſſue of the public treaſure: and the better to effectuate theſe great national objects a Whig Club was announced in a manifeſto ſigned and counterſigned, charging the Britiſh government, as James I. has ſince been charged, with a deliberate and ſyſtematic intention of ſapping the liberties and ſubverting the parliament of Ireland. All perſons of congenial character and ſentiment were invited to range under the Whig banner, for the eſtabliſhment and protection of the Iriſh conſtitution on the model of the Revolution of 1688; and under this banner was ranged ſuch a motley collection of congenial characters, as never before were aſſembled for the reformation of the ſtate. Mr. Napper Tandy

was

was received by acclamation, as a ſtateſman t
important and illuſtrious to be committed to t
hazard of a ballot. Mr. Hamilton Rowan a
repaired to the Whig banner. Unfortunately t
political career of theſe gentlemen has been
reſted—Mr. Tandy's by an attainder of felo
and an attainder of treaſon; Mr. Ham
ton Rowan's by an attainder of treaſon; T
Whig Secretary, if he does not ſtand in the ſa
predicament, is now a priſoner at the mercy
the Crown, on his own admiſſion of his tr
ſons; and if I do not miſtake, the whole ſociety
Iriſh Whigs have been admitted, *ad eundem*,
their Whig brethren of England. In the fury
political reſentment, ſome noblemen and gent
men of the firſt rank in this country, ſtooped
aſſociate with the refuſe of the community, n
whoſe principles they then held in abhorren
and whoſe manners and deportment muſt
ways have excited their diſguſt.

Unfortunately for the cauſe of diſcontent, the ſ
vants of the crown in both countries outbid t
Whigs of 1789 in conceſſion; a Place Bill an
Penſion Bill were agreed to; the office of Hi
Treaſurer was put into commiſſion; and the B
tiſh Parliament repealed the act, by which Brit
ports were ſhut againſt the importation of artic
the growth or produce of the Britiſh plantati
from Ireland; and perhaps a freſh ſupply of gri
ances might have been wanting to meet theſe c
ceſſio

ceſſions, if an improvement had not been made on the Whig inſtitution, by an avowed Jacobin ſociety, who aſſumed the title of United Iriſhmen; and to this ſociety we are indebted for the modern eſſentials of Liberty, Parliamentary Reform, and Catholic Emancipation; topics firſt invented for rebellion, and ſince warmly taken up by ſome gentlemen who have contrived to identify their principles with the cauſe, without expoſing their perſons to the dangers of treaſon.

With reſpect to the old code of the Popery Laws, there cannot be a doubt that it ought to have been repealed. It was impoſſible that any country could continue to exiſt under a code, by which a majority of its inhabitants were cut off from the rights of property. But in the relaxation of theſe laws there was a fatal error. It ſhould have been taken up ſyſtematically by the miniſters of the crown, and not left in the hands of every individual who choſe to take poſſeſſion of it, as an engine of power or popularity. This, however, was done, and before the ſubject attracted the notice of the ſervants of the crown, the Popery Laws were unequivocally repealed ſo far as they affected the rights of property; were relaxed in every clauſe of intolerance which affected the Popiſh worſhip; and the profeſſion of the law was opened to perſons of the Popiſh religion without qualification or reſtriction. In 1792, a giddy young man, now

no

no more, was brought over here from England by the Catholic Committee as their avowed agent; who immediately after his arrival commenced a warm canvaſs of the members of both Houſes of Parliament for the political intereſts of his clients; and in the courſe of this canvaſs I can ſtate from my own knowledge his great argument was, an unequivocal offer of the ſervices of his clients, to men whoſe ſtations naturally gave them ſome weight in the public councils, to eſtabliſh their political power on a baſis not to be ſhaken, if they would put themſelves at the head of the Catholic body. At the ſame period their ultimatum was ſtated by their general Committee, in reſolutions dated 4th February, 1792, ſigned Edward Byrne, and counterſigned Richard M'Cormick, Secretary. I will ſtate them as publiſhed by authority of the Catholic Committee; they are moſt material to illuſtrate ſome ſubſequent events.—" Reſolved, that the Committee has been informed, that reports have been circulated, that the application of the Catholics for relief, extends to total and unlimited emancipation."—" That therefore, we think it neceſſary to declare, that the whole of our late application, whether to his Majeſty's Miniſters, or to men in power, or to private members of the legiſlature, neither did, nor does contain any thing more, either in ſubſtance or in principle, than the four following objects:

Firſt.

First. Admiſſion to the profeſſion and practice of the law.

Second. Capacity to ſerve on county magiſtracies.

Third. A right to be ſummoned and to ſerve on grand and petit juries.

Fourth. The right of voting in counties only for proteſtant members of parliament, in ſuch a manner however, as that a Roman Catholic freeholder ſhould not vote unleſs he either rents or cultivates a farm of twenty pounds per annum, in addition to his forty ſhillings freehold, or elſe ſhall be in poſſeſſion of a freehold of twenty pounds a year.

In the ſeſſion of that year two petitions were preferred to the Houſe of Commons by the Catholic Committee, ſtating theſe as their ultimate claims of relief. The firſt was couched in terms of ſo much violence and indecorum, that the gentleman who preſented it, aſked as a perſonal favour to himſelf, that he might be allowed to withdraw it. The ſecond petition was drawn in terms of decency and reſpect; but the great parliamentary declaimers had not then ſeen the new light of emancipation, and the petition was rejected by the

the Commons on a diviſion the numbers were two hundred and twety-eight to twenty-five. I have been well informed, that a propoſition had been made at that time by Mr. Hamilton Rowan to the Whig Inſtitution, to adopt the cauſe of emancipation, and when he was informed it could not be, he declared he would preſent his Whig uniform to the waiter who ſtood behind him, as a perſon beſt fitted for it. In the next year, at the opening of the ſeſſion, a recommendation was made to both Houſes of Parliament from the throne, in his Majeſty's name, to take into conſideration the ſituation of his Catholic ſubjects—and a Bill was brought into the Houſe of Commons by the Lord Lieutenant's Secretary, by which every privilege claimed for the Catholics by their committee, as containing in ſubſtance or principle their ultimate objects, was granted to them; the franchiſe of voting at elections was conferred without reſtriction, and in addition, they were enabled to hold every office civil and military under the Crown, with the exception of about forty, without taking the oaths, or ſubſcribing the declaration, as required from every other claſs of the King's ſubjects.—This Bill paſſed into a law, and from that time there has not been a civil diſability of any deſcription by which a Papiſt or Roman Catholic in this kingdom is *eo nomine* affected, ſave a reſtriction in the uſe of fire arms, extending only to the loweſt order of their body—a which I ſhould be happy to ſee extended to Proteſtants of the ſame claſs;

claſs; and the Teſt Laws, which remain in full force with reſpect to Proteſtants, have been very conſiderably relaxed in favour of the Catholic body.

In a reſolution of the Catholics, publiſhed by order of their general committee, the 9th of Dec. 1792, ſigned Edward Shiel, and counterſigned Richard M'Cormick, complaint is made "That the Catholics of Ireland, conſtituting "three fourths of the inhabitants of the country, "had not influence to induce any one member of "parliament to patronize their petition:" But when their claims were taken up by the King's miniſters, their old perſecutors inſtantly became apoſtles of emancipation; and in the race for popularity, would not be left behind on a popular queſtion. The conceſſions made to the Catholic demands in 1793, were then, for the firſt time, ſupported by the Whigs of 1789—but in the courſe of debate nothing more than obſcure hints and oracular ambiguity was thrown out on the ſubject of unqualified Emancipation—and the Catholic body remained quiet and contented with the favours conferred upon them; if they looked to farther indulgence, they were ſatisfied to try the effects of time temper, and negociation, and would have continued contented and quiet, if they had not been brought forward as an engine of faction on a change of the Iriſh government

in 1795.—Of Lord Fitzwilliam I ſhall never ſpeak or think with any feeling, but of a warm and unfeigned perſonal reſpect, and have only to lament, that he placed unbounded confidence in ſome gentlemen, of whom he falſely judged by his own pure and honourable mind. It is now aſcertained that he came to Ireland with full inſtructions not to encourage the agitation of any further claims on the part of the Iriſh Catholics; perhaps I might be juſtified in ſtating that his inſtructions were to keep it back—but his name and authority were abuſed to force the Catholic body to come forward, as the engine of political intrigue, and in contradiction to their recent declaration by the organ of their general committee in 1792, to demand the repeal of every law by which they were excluded from political power. Lord Fitzwilliam took poſſeſſion of his government on the 4th of Jan. 1795—and it is a fact of public notoriety, that at meetings held from the 15th to the 23d of December, with Mr. Edward Byrne and others of their leaders, the Catholic body were brought forward under plighted engagement of ſupport from the new government. An addreſs to Lord Fitzwilliam in the name of their body was voted, and at the front of the committee appointed to greet the King's Repreſentative, under the auſpices of his ſelf avowed miniſter, ſtand the names of Dr. William James M'Neven, Mr. John Sweetman, and Mr. Richard M'Cormick, all of them ſelf convicted traitors.

traitors. Mr. M'Neven has very candidly acknowledged that Catholic Emancipation was always a mere pretence, and that if he and the worthy gentlemen with whom he acted, had been enabled to ſucceed in their projects, they would as ſoon have eſtabliſhed the Mahometan as the Popiſh religion. It was originally a pretence for rebellion, and is now a powerful engine of faction, wielded in both countries againſt the peace and happineſs of Ireland; an engine which has already ſhaken your government to its foundation, and cannot fail to level it with the duſt, if we are to continue in a ſtate of ſeparation from the Britiſh nation. It is the common topick of diſcontent and irritation to rally the old inhabitants of this iſland to the ſtandard of faction in both countries—a topick which in its nature, will remain an inexhauſtible ſource of popular ferment in Ireland.—Repeal your Teſt Laws, and Acts o Supremacy and Uniformity—the rich eſtabliſhments of the Proteſtant church remain a prominent object of attack to the apoſtles of Emancipation—make partition of your church eſtabliſhments with the Popiſh clergy, and they will have to demand a formal recognition of the laws of their church—and when every other point has been yielded, an apoſtle of ſedition will not be wanting in the fullneſs of human arrogance and preſumption, to propoſe a repeal of God's holy commandment, and proclaim the worſhip

of

of graven images in your ſtreets and highway
What is the leſſon of peace and good-will in
cated by the ſucceſſors of the worthy gentle
who firſt invented this revolutionary weap
" Let me adviſe you by no means to poſtpone
" conſideration of your fortunes until after
" war—ſeize the opportunity of war for ſtate
" embraces, and great Emancipation—your
" ſical conſequence exiſts only in a ſtate of ſ
" ration from England—in a ſtate of ſepera
" you are four to one—in a ſtate of union
" one to four—and therefore though your cla
" ſhould be attended to after Union, you
" nothing, you may as well be units in the ſt
" as units in parliament." The whole of the
terior mechaniſm of Emancipation, is here fa
expoſed to view—and I wiſh every honeſt m
ber of the community, whether he be Proteſ
or Catholic, who regards the bleſſings of ſo
order, and wiſhes to tranſmit them to his poſte
to view it with ſober attention, and to decide
himſelf whether in the hands of its Iriſh patr
it points to any other object than Jacobiniſm
Revolution.—I wiſh every honeſt member of
community, Proteſtant or Catholic, to
cide for himſelf whether Ireland can ever be
peace until this firebrand is extinguiſhed—
whether a hope exiſts that it can be extinguiſ
in our preſent ſtate of ſeparation from England
If the Catholics of Ireland are not ſatisfied with
indulgence which they have already experienc

and are determined to preſs their demands of an unqualified repeal of the Teſt Laws and Act of Supremacy, let them be diſcuſſed upon their ſolid merits in the Imperial Parliament—where the queſtion will not be influenced by paſſion and prejudice, where no part of the conſideration will be, that the Catholics of Ireland may retain their phyſical conſequence for the eſtabliſhment of a ſyſtem of periodical rebellion, under the management and direction of Whigs or Tories, or United Iriſhmen, and where it will be gravely and diſpaſſionately conſidered, whether a repeal of theſe laws may be yielded with ſafety to the Britiſh monarchy, or whether by adopting the French model, in aboliſhing all religious diſtinctions as connected with the ſtate, we ſhall lay the corner-ſtone of Revolution and Democracy.—My unaltered opinion is that ſo long as Human Nature and the Popiſh Religion continue to be what I know they are, a conſcientious Popiſh eccleſiaſtic never will become a well attached ſubject to a Proteſtant ſtate, and that the Popiſh clergy muſt always have a commanding influence on every member of that communion.—I put it as an abſtract ſtate-maxim, without regard to the peculiar ſituation of this country—and if experience were wanting, I have it abundantly to confirm me in the juſtice of it.—In private life I never enquired into the religion of any man—if he be honeſt and a good Chriſtian, it matters not to me that he may

ſubſcribe

ſubſcribe to articles of faith and diſcipline which my reaſon and underſtanding reject—but when I am to frame laws for the ſafety of the ſtate, I do not feel myſelf at liberty to act upon the virtues of individuals.—Laws muſt be framed to meet and counteract the vicious propenſities of human nature.

Upon the ſecond project of Iriſh Liberty, Parliamentary Reform, I ſhall ſay no more than barely to ſtate the plan which was ſubmitted to the Houſe of Commons in the Seſſion of 1797—it will ſpeak for itſelf, and if I do not much miſtake, was offered to that Aſſembly with an aſſurance that it met the full approbation of the popular leaders out of doors.—In ſtating this plan I cannot err, for I have an exact copy of the reſolutions as they were moved in the Houſe of Commons—they ſet out by aſſerting,

I. "That it is indiſpenſably neceſſary that all diſ-
"ability on account of religion ſhall ceaſe, and for
"that purpoſe, and as a fundamental part of an ade-
"quate repreſentation in parliament, ſo as to place
"the conſtitution on a ſolid and permanent baſis,
"that Catholics ſhould be admiſſible into both
"Houſes of Parliament, as well as to all offices
"of ſtate as Proteſtants now are; and that all Teſt
"Laws and oaths preventing the ſame ſhall be
"repealed and aboliſhed for ever.

II. "That it is an antient and undoubted right
"of the people of Ireland to be fully and fairly
"repreſented in parliament.

III. "That in order to enable the people freely "to exerciſe that right, it is expedient that the "privilege of returning members to parliament "in the ſeveral cities, counties of towns, and "boroughs in the kingdom, ſhall be divided into "diſtricts, containing no leſs than houſes, "and that each of the ſaid diſtricts ſhall return "two members to ſerve in parliament, and that "proper officers ſhall be appointed to make ſuch "diviſions.

IV. "That each county ſhall continue to return "repreſentatives as at preſent.

V. "That all perſons poſſeſſing a freehold of "the clear yearly value of forty ſhillings—all "perſons having leaſes or terms for years to the "amount of all perſons having a houſe of "the value of for years in the ſaid "cities and towns, and all freemen by birth, "marriage or election, ſhall be entitled to vote "in the ſeveral diſtricts in which they are regiſ- "tered.

VI. "That no perſon holding any office of pro- "fit or penſion under the crown, ſhall be admiſ- "ſible to ſerve in parliament, except as hereafter "is excepted.

VII. "That the duration of Parliaments ſhall "not exceed years."

Upon

Upon this plan of Reform, thus embracing the active citizens of Ireland, I ſhall only obſerve, that the members of the Rebel Iriſh Directory, Meſſrs. Arthur O'Connor, Wm. James M'Neven and Thomas Emmett, who were examined before the laſt Secret Committee of this Houſe, did declare on their oaths, the perfect ſatisfaction which it gave to them, and to the other leaders of the late Rebellion—and certainly moſt unreaſonable traitors they muſt have been if it did not ſatisfy them to their heart's content—in truth there is ſcarce a ſhade of difference between this plan of Reform and one which had been juſt before promulgated under the authority of the Rebel Union. See APPENDIX.

I paſs by the rapid progreſs of that rebellious confederacy—the whole of their enormities have been amply detailed in the Reports of the committees of ſecrecy of both Houſes of Parliament, and are freſh in the public recollection—but I ſtate with perfect confidence, that the ſeditious and treaſonable conſpiracies which have brought this country to the verge of ruin, are the natural offspring of the adjuſtment of 1782—the convulſion in 1789, gave birth to the Whig inſtitution—the Rebel confederacy of the Iriſh Union was an improvement upon it, and we now ſee the reliques of the Whig inſtitution in the maſk of liberty, inculcating the principles, and adopting the means originally deviſed by the rebel

confederacy

confederacy of the Iriſh Union, to aboliſh the religion, and ſubvert the Monarchy of Ireland.—What was their conduct in the Summer 1796—when it was known with certainty, that a powerful French armament was in preparation at Breſt, for the ſupport of Iriſh rebellion?—When the whole of the northern province was regimented and armed, and the remainder of the country, by the account of Mr. O'Connor, the common and unreſerved friend of the united Whig confederacy, was in a forward ſtate of organization at this critical period, a Whig report was publiſhed on the condition of the labouring poor—and circulated in every part of the country with uncommon induſtry, in which that claſs of men are informed, "that on a compariſon of the price of "labour with the price of proviſions, it was im-"poſſible for them to exiſt—that it was impolicy "in their employers to ſtarve them, for that one "labourer who was fed, would do the work of "two who were ſtarved—that the increaſe in the "price of labour was neceſſary, not only from "the encreaſed price of proviſions, but becauſe "within ſome years laſt paſt, the ſalaries of the "ſervants of government have been encreaſed not "a little, and the pay of the common ſoldiers has "been encreaſed, and on the ſame principle on "which his Majeſty has been adviſed to attend to "his forces, we ſhould attend to our fellow ſub-"jects, and that it was moſt extraordinary that

" the only order of the people whoſe wages were " not encreaſed, was that order by whoſe labour " and induſtry theſe ſalaries and eſtabliſhments " were principally fed." This was the incitement to loyalty and good conduct, held out by the patrons of Iriſh Liberty, to the phyſical force of the country, then in array for rebellion, and anxiouſly expecting a formidable French armament to ſecond their revolutionary projects at the ſame alarming criſis, theſe ſame patrons of Iriſh Liderty, endeavoured to baffle the exertion of the King's government in the array of a yeomanry force, by tutoring the old inhabitants of the iſland to hang back, unleſs the revolutionary ſyſtem of Emancipation was firſt eſtabliſhed—and if the arm of God, had not in his unbounded mercy, been ſtretched out to ſave us, Ireland muſt at that tremendous criſis, have fallen a ſacrifice to her own madneſs, folly, and wickedneſs.

I will now appeal to every diſpaſſionate man who hears me, whether I have in any thing miſſtated, or exaggerated the calamitous ſituation of my country, or the coalition of vice and folly which has long undermined her happineſs, and at this hour loudly threatens her exiſtence. It is gravely inculcated I know—" Let the Britiſh Miniſter leave us to ourſelves, and we are very well as we are." We are very well as we are—Gracious God! of what materials muſt the heart

of

of that man be compoſed, who knows the ſtate of this country, and will coldly tell us we are very well as we are—we are very well as we are—we have not 3 years of redemption from bankruptcy or intolerable taxation, nor one hour's ſecurity againſt the renewal of exterminating civil war. We are very well as we are—look to your ſtatute book—ſeſſion after ſeſſion have you been compelled to enact laws of unexampled rigour and novelty, to repreſs the horrible exceſſes of the maſs of your people, and the fury of murder and pillage, and deſolation have ſo outrun all legiſlative exertion, that you have been at length driven to the hard neceſſity of breaking down the pale of the municipal law, and putting your country under the ban of military government; and in every little circle of dignity and independence, we hear whiſpers of diſcontent at the temperate diſcretion with which it is adminiſtered.—We are very well as we are. Look at the old revolutionary government of the Iriſh Union, and the modern revolutionary government of the Iriſh conſulate, canvaſſing the dregs of that rebel democracy, for a renewal of popular ferment and outrage, to overawe the deliberations of parliament.—We are very well as we are.—Look to your civil and religious diſſentions—look to the fury of political faction, and the torrents of human blood that ſtain the face of your country, and of what materials is that man compoſed, who will not liſten

with

with patience and good will to any propoſition that can be made to him, for compoſing the diſtractions, and healing the wounds, and alleviating the miſeries of this devoted nation?—We are very well as we are.—Look to your finances, and I repeat you have not redemption for three years from public bankruptcy, or a burthen of taxation which will ſink every gentleman of property in the country.

Perhaps it will occaſion ſome ſurpriſe to hear that the debt of Ireland is now 25,662,640l: and that the annual intereſt and charges upon it amount to 1,393,753l. In ſtating the debt of Ireland, I ſpeak of the capital created, not the money paid into the Exchequer by the public creditor—if I am compelled to borrow money on uſurious terms, my debt is the ſum which I contract to pay, not the ſum which I may happen to have received—and therefore it is a groſs deception in ſtating the public debt, to take it on any calculation but of the capital for which the nation muſt ſtand ſecurity—the increaſe of debt in the laſt ſeven years has been principal - - - 23,222,250

Intereſt and charges in the ſame period increaſe } 1,253,278

of theſe twenty-three millions of increaſe in the capital of your debt during the laſt ſeven years—no leſs a ſum then 18,580,000l.—has accumulated in the years 1798, 1799, and 1800 the intereſt and charges

charges in the ſame three years amount to 8,78,000—and on recurring to the fluctuations in your debt for the laſt ten years, it will be ſeen to have kept exact pace with the exertions of the friends of Ireland in the cauſe of dignity and independence.

25th of March,		Principal	Intereſt and charges.
1791	the debt was	2,442,890	142,716
1792	- -	2,440,890	142,955
1793	- -	2,440,390	142,475
1794	- -	3,113,790	178,495
1795	- - - -	4,335,990	255,110
1796	- - - -	6,041,856	354,044
1797	- - - -	7,012,250	525,044
1798	- - - -	11,059,256	767,661
1799	- - - -	17,466,540	1040,120
1800	- - - -	25662,640	1,395,735

In 1793—at the beginning of the war, the debt of Ireland was 2,440,390l —and ſo long as we had none but a foreign enemy to contend with, our war expences were ſcarcely one million in the year. In 1795, the debt was 4,335,990l.—ſo that during the firſt two years of the war, it did not encreaſe quite two millions—but the old Iriſh maxim of preſſing forward political claims in times

times of common danger and calamity, was again inculcated in 1795—a period peculiarly fitted for it, for in that year the French had made themſelves maſters of Brabant, Flanders, and Holland; and the rebel government of United Iriſhmen was pretty well eſtabliſhed. Mr. Oliver Bond, and Mr. Nelſon ſtated before the Secret Committee of this Houſe, that the military organization of the province of Ulſter was completed on the firſt of May 1795—and had got into a ſtate of forwardneſs in the other provinces before the end of that year—it was therefore found neceſſary to encreaſe the military force of the country for mere internal defence againſt a confederacy of foreign and domeſtic enemies, and accordingly in the year ended at Lady-day, 1796, our war expences were double what they had been in either of the preceding years—and at every ſubſequent period they have progreſſively encreaſed with the growth of faction and rebellion, until we were obliged in defence of our own exiſtence, to encreaſe the public debt in the laſt year, nearly ſix millions and a half, and in this year above eight millions. And this expence muſt neceſſarily continue, not to enable Ireland to contribute to offenſive war, but to keep down the brutal fury of the maſs of the Iriſh people, who have been goaded to madneſs by every wicked artifice that diſappointed faction can deviſe, and to protect the country from foreign

reign invaſion openly ſolicited by a gang of Iriſh traitors, who have connected themſelves with the rulers of the French Republic—and if we are to continue this ſcale of expence for the next three years, a revenue of two millions, four hundred and thirty thouſand pounds muſt be raiſed for payment of the intereſt of the public debt alone, or public bankruptcy will neceſſarily enſue.

Let us now ſee what is the preſent ſtate of our revenue—in the laſt year the net revenue of Ireland, including the loan fund, was £ 1,861,471 only—if it had continued at the ſame amount in this year, the ſurplus, after defraying the intereſt and charges of the debt, would have been under £ 466,000—for the ſupport of all your other eſtabliſhments— but if the current quarter keeps up to the produce of the laſt three, your net revenue in this year, will be ſomewhat about £ 2,700,000. A conſiderable portion, however, of the great encreaſe in the revenues of this year has been adventitious. During the rebellion importation was checked, the deficiency has of courſe come into this year's account, and there has been an unuſual importation of Portugal wines, in conſequence of the apprehenſions of invaſion entertained in that country, and therefore I conſider it to be a ſanguine calculation, that the produce of our preſent revenues is to continue at £ 2,5000,000.

The

The capital created by the loan of laſt year, is - - -		£ 8,226,
Intereſt and charges - - - -		£ 345
1801	Capital - -	8,226
	Intereſt and charges	£ 345,
1802	Capital - -	8226,
	Intereſt and charges	£ 345,
1803	Capital - -	8226,
	Intereſt and charges	£ 345,
Capital 3 years - -		24,678,
Intereſt and charges		£ 1,035,
Preſent debt - - - - - - -		25662,
Preſent Intereſt and charges		£ 1,395,
Total capital 1803 - -		50,340,
Total Intereſt 1803 - - -		£ 2,430,

So that calculating the produce of your pre revenues to continue at £ 2,500,000—there remain at the end of three years, on your pre ſcale of expence, a ſurplus ſhort of £ 70,000 for whole of the eſtabliſhments civil and militar

Let me aſk, if we remain as we are, how is this enormous deficit to be made up?—Can you raiſe an additional revenue in Ireland of more than one million, in the preſent ſtate of our reſources, without recurring to a land-tax, or an income-tax, or both? And if recourſe be had to land or income, the incumbrance in them muſt be conſiderably more than the actual deficit, I ſhould ſay it could not be much leſs than two millions. For either tax would inevitably diminiſh in a great proportion your cuſtoms and exciſe. If we make up the deficit by annual loans, bankruptcy is inevitable. By miſapplying the ſinking fund, you may poſtpone the period of inſolvency for a year or two, at the expence of a breach of faith with the public creditors; but bankruptcy is the ultimate iſſue.—I know it is the faſhion to ſay that England has our war expences to anſwer for—and that our financial difficulties ariſe from a French war—and a Dutch war—and a Spaniſh war.——No, our preſent difficulties ariſe from an Iriſh war—a war of faction—a Whig war—and an United Iriſhman's war—the fluctuation of your debt for the laſt ten years proves the fact, and if England was at peace at this hour with all the powers of Europe, your eſtabliſhments would be a melancholy proof of the fact; you would be compelled to maintain a war eſtabliſhment for defence againſt your own people. It has been demanded triumphantly how we are to be relieved by Union? I anſwer firſt,

we are to be relieved from Britiſh and Iriſh fa
tion, which is the prime ſource of all our calar
ties. Next, if we become one people with En
land, the army of the empire will be employ
where it is moſt wanted for general ſervice; a
ſo long as it is found neceſſary to garriſon eve
diſtrict in Ireland, for the internal ſafety of the cou
try, the neceſſary force may be ſtationed here, wit
out incurring additional expence in either counti
And therefore in time of war, we may hope
be relieved from the ſeparate expence entail
upon Ireland by domeſtic factions; and in peac
it matters not to the general ſervice of the empir
where the army may be quartered. Again
by Union the reſources of Ireland muſt neceſſari
encreaſe;—if we have but grace to remain in
ſtate of tranquility for a few years, I have
doubt, our reſources would augment moſt rapidl
if we have but grace to abjure faction, I fe
ſanguine hope on the reſtoration of peace, th
Ireland will participate in Britiſh capital and Br
tiſh induſtry; and until we can find employme
for the poor, and teach them to feel and val
the comforts of life, it is vain to expect that th
will be reclaimed from barbariſm. If you do n
qualify the maſs of your people for the enjoyme
of ſober Liberty, you will never teach them
appreciate the bleſſings of it;—every man wh
feels for human miſery, muſt lament the hard n
ceſſity impoſed upon the Iriſh government,

meetir

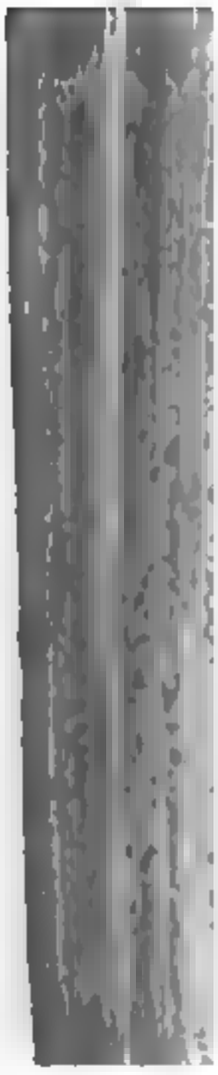
meeting popular exceſs, by laws of exemplary ſeverity, and will contribute his beſt exertions, to reſcue the unfortunate victims of deluſion, from the depth of misfortune to which they will ever be condemned ſo long as they are made the inſtruments of faction, and ſtimulated to acts of outrage by wicked and inflammatory appeals to their ignorance and incivilization. But we are told by giving up a ſeparate government, and ſeparate parliament, we ſacrifice national dignity and independence. If gentlemen who enlarge on this theme, will talk of their perſonal dignity and aggrandizement, I can underſtand them; but when I look at the ſqualid miſery, and profound ignorance, and barbarous manners, and brutal ferocity of the maſs of the Iriſh people, I am ſickened with this rant of Iriſh dignity and independence. Is the dignity and independence of Ireland, to conſiſt in the continued depreſſion and unredeemed barbariſm of the great majority of the people, and the factious contentions of a puny and rapacious oligarchy, who conſider the Iriſh nation as their political inheritance, and are ready to ſacrifice the public peace and happineſs to their inſatiate love of patronage and power? I hope I feel as becomes a true Iriſhman, for the dignity and independence of my country, and therefore I would elevate her to her proper ſtation, in the rank of civilized nations. I wiſh to advance her from the degraded poſt of a

mercenary

mercenary province, to the proud ſtation of an integral and governing member of the greateſt empire in the world. I wiſh to withdraw the higher orders of my countrymen from the narrow and corrupted ſphere of Iriſh politics, and to direct their attention to objects of national importance, to teach them to improve the natural energies, and extend the reſources of their country, to encourage manufacturing, ſkill, and ingenuity, and open uſeful channels for commercial enterpriſe; and above all, ſeriouſly to exert their beſt endeavours to tame and civilize the lower orders of the people, to inculcate in them habits of religion and morality, and induſtry, and due ſubordination, to relieve their wants, and correct their exceſſes; unleſs you will civilize your people, it is vain to look for national tranquillity or contentment.

Another ground of objection to the meaſure of Union is:—This is not a time for it. Are we then to await the period of actual bankruptcy, or the iſſue of a new rebellion, that Great Britain may be enabled to dictate to us the terms on which ſhe will liſten to the propoſition? This is a period of all others the moſt auſpicious for Ireland to ſet on foot ſuch a treaty. The late rebellion has been ſo far put down, as to enable us to treat on fair and equal terms; the recollection of general peril ariſing from Iriſh treaſons is freſh in the memory of

is a ſpecies of political arithmetic or
culiar growth of Ireland. It is a ſingular
etic which aſſumes, that if two and three
ıp the groſs number five, that two are ex-
hed. I ſhould ſuppoſe that a captious Eng-
ın might with equal reaſon object, that Eng-
as extinguiſhed. If two Iriſh gentlemen
agree to become partners in a commercial
ıtion on a capital of 500l.—two hundred
bed by one partner, and three by the other,
would the proprietor of the leſſer ſhare
his partner at the end of the year, when he
ıded his proportion of the profits, if he told
ravely, Sir, you have nothing to do with the
—your two hundred are extinguiſhed in the
capital of five hundred, and you may go
your buſineſs—you are nobody in the houſe.
is Ireland extinguiſhed in this national part-



be, Great Britain muſt for her own ſal
port her in every circumſtance of difficul
danger: That the government of Great
never can ſuffer this country to ſeparate
from the Britiſh crown, much leſs to f
connexion with France, I feel perfect conv
The Britiſh iſlands are formed by nature f
tual ſecurity or mutual deſtruction; and if
to purſue the courſe we have thought fit to
the laſt twenty years, it may become a qu
of doubtful iſſue, whether at a criſis of dif
and danger, Great Britain will be enabl
ſupport us, or we ſhall ſink Great Britain.
French armament, encouraged by Iriſh factio
ſolicited by Iriſh traitors in 1796, had made
ſcent on your coaſts at that period; is it an i
bable conjecture, that at this day Ireland
have been the theatre of war, and the powe
reſources of Great Britain have been expend
redeem this country from a foreign yoke?
we are to purſue the beaten courſe of factio
folly, I have no ſcruple to ſay, it were bett
Great Britain that this iſland ſhould ſink int
ſea, than to continue connected with the B
crown on the terms of our preſent Union.
claim a right to trade with the Britiſh colonie
plantations, and we claim the protection o
Britiſh navy, without contributing to the nec
expence of either eſtabliſhment. We cla

right to retain the monopoly of the British market for our linens at the expence of an enormous tax imposed by England on her own consumption, and a revenue relinquished in the same proportion on foreign linens.

The annual average value for three years, ending 5th January, 1799, of products and manufactures of Ireland imported into Great Britain, was	£.5,510,835
The annual average value of products and manufactures of Great Britain exported to Ireland during the same period, was -	2,087,672
On this essential branch of trade, the balance in favour of Ireland, is	3,425,153
And take the whole of the trade of import and export, native and foreign, during the same period, the balance in favour of Ireland is -	2,056,844
The whole annual value of imports from Ireland into Great Britain, native and foreign, was - -	5,612,697
And of exports from Great Britain to Ireland, - -	3,555,845

We

We raiſe a revenue of more than 230,000l. Britiſh goods imported into Ireland; and in turn the revenue raiſed by England on the portation of Iriſh produce is little more t 10,000l. And what are the offerings of gratitu and duty on our part in return for theſe be fits and advantages?—A declaration of war any foreign power againſt the Britiſh nation, the ſignal for faction and rebellion in Irela The received maxim is, not to forego the opp tunity of foreign war to preſs forward Iriſh clai and ripen every difference and diſcontent with Britiſh government, into a ground of perman and rancorous national hoſtility; inſomuch t in times of difficulty and danger, Great Brita ſo far from deriving ſupport or ſecurity from b connexion with Ireland, feels it as a mill-ſtone hun upon her neck. And for what object is it expected on our part that all this is to continue?—To ſup port and maintain a few individuals in the excluſiv poſſeſſion of the patronage and power of the king dom of Ireland, who claim a right on their par whenever they may think fit to quarrel with Britiſh miniſter, to excite inſurrection and rebel lion, by repreſenting the Britiſh nation to th people of Ireland, as their natural and inſtinctiv enemy. Is it to be expected that all this can con tinue, or if it ſhould continue long, that it mu not involve both countries in common ruin?

Anoth

Another argument againſt a Legiſlative Union is, that it will drive your nobility and gentry from their own country; and particularly impoveriſh the metropolis. With reſpect to emigration, look to the number of Iriſh emigrants who now crowd every village in Great Britain, and have been driven to ſeek an aſylum there from the brutal fury of the Iriſh people, and the cold-blooded treachery of their own domeſtics, palpably fomented and encouraged by Iriſh faction and Iriſh treaſon: And let any diſpaſſionate man ſay, whether the evil of emigration can ever be greater than it is at this day. If we are to live in a perpetual ſtorm here; if it is to remain at the diſcretion of every adventurer, of feeble and oſtentatious talents, ungoverned by a particle of judgment or diſcretion, to dreſs up fictitious grievances for popular deluſion and let looſe a ſavage and barbarous people upon the property and reſpect of the Iriſh nation, what gentleman who has the means of living out of this country, will be induced to remain in it? I do moſt ſolemnly declare, that no earthly conſideration ſhort of a ſtrong ſenſe of duty ſhould have induced me to remain an eye-witneſs of the ſcenes of folly and madneſs, and horrors of every deſcription in which I have lived for ſome years back; and that I had rather give up every proſpect which remains to me in this country, and begin a new courſe in my old age, than ſubmit to the ſame miſery and diſguſt for the

remnant of my life. If you wiſh to ſtop emigration, you muſt enable ſober and rational men to live at peace at home. And if they are allowed to return in ſecurity, I have no apprehenſion that the want of an annual proceſſion from College-Green to Dublin-Caſtle, and a failure in the daily ſupply of venom and ſcurrility in the metropolis, will drive your nobility and gentry from their native country.—And as to the local intereſts of the city of Dublin; is it not extreme folly to ſuppoſe, if there be an influx of wealth into the country, that its fair proportion will not find its way to the capital? The ſame fears alarmed the citizens of Edinburgh; and it is notorious, that the wealth and population of that city have encreaſed moſt rapidly ſince the Scotch Union. But if the apprehenſions entertained for the local proſperity of Dublin were palpably well founded, are we to ſacrifice the peace and happineſs of the kingdom of Ireland, and the ſtrength of the Britiſh empire, to the narrow and intereſted objects of the merchants and traders of the metropolis?

If an argument were wanting in favour of Iriſh Union, let every ſober Iriſhman look to what has paſſed in this country ſince the meaſure was firſt propoſed for diſcuſſion.—It was propoſed at a criſis peculiarly intereſting and awful; when we had ſcarcely recovered breath from the convulſion of a formidable and bloody rebellion; when we were

were threatened with foreign invaſion, concerted with the common enemy of mankind, by a numerous and connected gang of domeſtic traitors; when Great Britain paid a force of ten thouſand troops ſent by her to our aſſiſtance; and the Iriſh ſeas were covered by her fleets for our protection; when a formidable French force deſtined to the aſſiſtance of Iriſh rebels had been intercepted by a Britiſh ſquadron, and was led captive through your country; and when more than whiſpers of indignation were vented againſt a veteran ſoldier, who was ſtartled at the project of inflicting exterminating vengeance on a proſtrate enemy. Such was our ſituation when it was firſt known that England was ready to open her arms to receive us into the communion of her liberty, and wealth, and induſtry, and happineſs; and in that awful and perilous ſituation, the offer was treated in the name, and on behalf of the Iriſh nation, by ſome gentlemen, who call themſelves Friends of Liberty and the Iriſh Conſtitution, with a degree of intemperance, which I can compare only, to the fury of wild beaſts alarmed at an attack upon their prey. I take ſhame to acknowledge, that an evil example was ſet by ſome gentlemen of the honourable profeſſion to which I belong. The flame ſpread with rapidity, and appeals of the moſt virulent and inflammatory tendency were made by theſe ſame Friends of Liberty to the deluded barbarians, who had been ſo recently conſigned by them

to

to indiſcriminate extirpation. When the meaſure was propoſed for diſcuſſion, the Friends of Liberty and the Conſtitution would not ſuffer it to be diſcuſſed; and when the meaſure was relinquiſhed, the Friends of Liberty and the Conſtitution endeavoured to force the premature diſcuſſion of it, in the hope of precluding a fair review of its merits.

When this firſt burſt of noiſe and clamour had ſubſided, the ſober part of the community ventured to look at the Propoſitions of Union made on the part of Great Britain, and ſaw nothing to excite alarm. They ventured to examine and found that much good might be expected from them, and in the courſe of a few months, when their avocations did not allow the friends of Liberty and the Conſtitution, to devote their time and exertions to popular deluſion, the ſober and rational part of the Iriſh nation ſaw in the meaſure of an Union, a fair proſpect of peace, and wealth, and happineſs for their country;—and the bulk of the people profeſſing not to underſtand the ſubject were perfectly indifferent to it. Such was the ſtate of the public mind upon this queſtion, when the late receſs of parliament took place; and to their eternal reproach and diſhonour be it ſpoken, ſome perſons of high rank and conſequence in the kingdom, availed themſelves of that opportunity to become emiſſaries of ſedition; and to canvas popular clamour againſt the meaſure, by the moſt

ſhameleſs

ſhameleſs impoſitions in the ignorance and credulity of every man who would liſten to them. The zealous Proteſtant was told, "This is an inſidious ſcheme of the Britiſh Miniſter, to deliver you up to the Papiſts bound hand and foot."—The Catholics were told, "If you ſuffer this, there is an end of your Emancipation."—The induſtrious farmer was told, "If this takes place, there is an end of your leaſe. Or if it ſhould eſcape the graſp of your landlord, Mr. Pitt will take from you one half of the profits of your farm. How will you like if you have a profit of fifty pounds yearly on your farm, to pay twenty-five pounds to Mr. Pitt?" I have been told that this latter argument was preſſed with ſucceſs, in a part of the county of Tipperary, not far from my houſe, by a noble lord. who I know made his circuit in that county during the receſs, whom I do not here ſee in his place. I will not believe it, and ſhall be glad to hear from him that he has been falſely accuſed. But the active exertions of itinerant Lords and Commoners, were not deemed ſufficient for the occaſion, and we have ſeen a conſular authority aſſumed by two noble lords, and a right honourable Commoner, who have iſſued their letter miſſive to every part of the kingdom, commanding the people in the name of a number of gentlemen of both Houſes of Parliament, to come forward with petitions condemning in terms of violence and indignation the meaſure

ſure of Union, prior to its diſcuſſion in parliament. One of theſe letters miſſive, and the petition encloſed with it, has been tranſmitted to me by a man to whom it was addreſſed, who it ſeems has the care of an eſtate in ward to the Court of Chancery, and in his ſimplicity deſired the further order of the Chancellor upon it. It is unneceſſary for me to ſtate that he did not receive further directions from the Court of Chancery, but the letter miſſive, and the petition annexed to it, will ſufficiently explain the ſenſe of the people, and the means which have been adopted to overawe the deliberations of parliament. I will ſtate the letter and petition faithfully as they have been tranſmitted to me:

DUBLIN, *January* 20, 1800.

SIR,

"A NUMBER of gentlemen of both Houſes "of Parliament, of whom thirty-eight repreſent "counties, have authoriſed us to acquaint you, "that it is their opinion, that petitions to Parlia- "ment, declaring the real ſenſe of the freeholders "of the kingdom, on the ſubject of a legiſlative "Union, would at this time be highly expedient, "and if ſuch a proceeding ſhould have your ap- "probation, we are to requeſt you will uſe your "influence to have ſuch a petition from your "county without delay.

"We have the honour to be, &c.

Signed, &c. &c. &c.

P. S. The

P. S. "The encloſed petitions are to be ſigned "on one ſide only, in order that they may be col- "lected and paſted together—and you are re- "queſted to tranſmit them when ſigned to Lord "——, in order that they may be preſented to "the Houſe of Commons."

Such is the letter miſſive for taking the real ſenſe of the people. Let us now look at the petition attending the letter miſſive, which is to convey the conſular ſenſe to the Houſe of Commons, backed by popular outcry thus ſollicited by the letter miſſive.

"TO the Knights, Citizens, and Burgeſſes, in "Parliament aſſembled—the humble petition of "the underſigned freeholders of the county of "—— ſheweth, that at this awful and alarming "criſis, we feel ourſelves called upon to declare "our opinion, that a legiſlative Union with Great- "Britain, to be a dangerous innovation, fraught "with ruin to the conſtitutional independence, "commercial intereſts, and general proſperity of "the kingdom. That this meaſure, by depriving "us of a reſident and protecting legiſlature, un- "der which our country has hitherto proſpered "beyond example, by encreaſing the number of "abſentees, and the conſequent drain of our "wealth, muſt augment the diſcontents of the "kingdom, and thereby endanger the connexion "between Great Britain and Ireland, which we

"are

"are determined to ſupport with our lives and "fortunes. That we rely therefore with un- "ſhaken confidence on the wiſdom and juſtice of "this honourable Houſe, that it will maintain to "us and our poſterity unimpaired, that ſacred "conſtitution which is our birth-right, which has "been the ſource of every bleſſing to this iſland, "and the enjoyment of which we deem inſepar- "able from our exiſtence as free people."

Let me aſk the two noble lords who have thus put themſelves forward, what are the excluſive pretenſions of them and their Rt. Hon. colleague to guide the public opinion?—Let me aſk them by what authority they have iſſued their letter miſſive to every corner of the kingdom, commanding the people to ſubſcribe an inſtrument fraught with foul and virulent miſrepreſentation? And let me aſk them, is there ſalvation for this country under her preſent government and conſtitution, when men of their rank and ſituation can ſtoop to ſo ſhabby and wicked an artifice to excite popular outcry againſt the declared ſenſe of both Houſes of Parliament? But this is not all; if loud and confident report is to have credit, a conſular exchequer has been opened for foul and undiſguiſed bribery. I know that ſubſcriptions are openly ſollicited in the ſtreets of the metropolis, to a fund for defeating the meaſure of Union. I will not believe that the perſons to whom I have been obliged to allude can be privy to it. One of them, a noble Earl, I ſee in

his

his place; he is a very young man, and I call upon him as he fears to have his entry into public life marked with diſhonour; I call upon him as he fears to live with the broad mark of infamy on his forehead, and to tranſmit it indelibly to his poſterity, to ſtand up in his place, and acquit himſelf before his Peers of this foul imputation. I call upon him publicly to diſavow all knowledge of the exiſtence of ſuch a fund; and if he cannot diſavow it, to ſtate explicitly any honeſt purpoſe to which it can be applied? If it can exiſt, I truſt there is ſtill ſenſe and honour left in the Iriſh nation, to cut off the corrupted ſource of theſe vile abominations.

I am truly aſhamed at the length of time for which I have treſpaſſed on the Houſe; the nature of the ſubject will I hope plead my apology; but I cannot diſmiſs it without adverting to the ſituation and circumſtances of Scotland, when the Union of the two Britiſh kingdoms took place, which I ſhall do very ſhortly. Before the Union of the Scotch and Engliſh crowns in the perſon of James the firſt, the two nations were involved in perpetual warfare; during his reign, their ſtruggles were different. The Scotch complained of Engliſh influence and national degradation; the Engliſh were jealous of the partiality of the King to his own countrymen, and were jealous of their trade; the Engliſh Parliament refuſed to natura-

lize the Scotch; they reproached their Engliſh neighbours with ſelfiſh illiberality, who returned the compliment by reflections on the poverty of Scotland, ſo that at the firſt period of their connexion, the intercourſe of theſe ſiſter kingdoms conſiſted in the mutual interchange of contumely and reproach. In the ſucceeding reign they did unite, but it was againſt their common Sovereign. He took refuge from his Engliſh ſubjects in the Scotch army at Newark, who very honourably gave him up to their confederates in iniquity. At the Reſtoration the ſpirit of antient rivalry and oppoſition was renewed, but after the convulſion of the former reign, it contributed in ſome degree to ſecure the royal authority, as each kingdom ſupplied the means of keeping the mal-contents of the other in awe. At the Revolution both nations were ready to ſacrifice national jealouſy to their hatred of popery, and both concurred in accepting King William for their common Sovereign. But in the reign of Queen Anne, the ſpirit of national antipathy broke out with vehemence and inveteracy; and the gentlemen of Ireland who are ſincere in their love of Britiſh connexion would do well to look to the principal events that led to the incorporation of the two kingdoms at that period, and ſee whether ſingular grounds of jealouſy and diſunion between Great Britain and Ireland, have not broken out within the ſhort period which has elapſed ſince our ſeparation from the Britiſh nation.

The firſt act of hoſtility on the part of Scotland was to eſtabliſh a company for forming a ſettlement on the Spaniſh Main, avowedly to enable the Scots nation to ſhare the wealth, and rival the trade of England. This project miſcarried, after hazarding a war between England and Spain, and producing much anger and controverſy between the ſiſter kingdoms. On failure of the Queen's iſſue, a new ſettlement of the Crown by the Scotch parliament became neceſſary, and of this criſis full advantage was taken by the Scotch patriots. Biſhop Burnet's account of them is a perfect deſcription of the Whigs of Ireland in the year 1789—and at this day. "A national humour "of rendering themſelves a free and independent "kingdom, did ſo inflame them, that as there was "a majority in parliament of ſeventy on their ſide, "they ſeemed capable of the moſt extravagant "things that could be ſuggeſted to them. All "was carried with heat, and much vehemence, "for a national humour of being independent "on England, fermented ſo ſtrongly amongſt all "ſorts of people without doors, that ſuch as went "not into every hot motion that was made were "looked on as betrayers of their country, and "they were ſo expoſed to popular fury, that ſome "who ſtudied to ſtop this tide, were brought "in danger of their lives. The Preſbyterians "were ſo overawed with this, that although they "wiſhed well to the ſucceſſion, they durſt not "openly,

"openly declare it. The Dukes of Hamilton "and Athol led all theſe violent motions, and "the people were ſtrangely inflamed."

And the national humour of rendering themſelves independent of England, led the Scotch parliament to the violent and deſperate ſtep of reſolving that until eſſential proviſion was made for ſettling the rights and liberties of the Scottiſh nation, independent of Engliſh intereſts, and Engliſh councils, the ſucceſſor to the Scotch crown ſhould not be the ſame perſon that was poſſeſſed of the crown of England. To this reſolution ſucceeded an order for arming and training the ſubjects of Scotland. The parliament of England addreſſed the Queen, to give orders for fortifying the towns on the northern frontiers, for arming the Militia of the northern counties, and for ſtationing regular forces there, and in the north of Ireland. An Act was paſſed declaring the natives of Scotland aliens until they ſhould ſettle the Crown on the Houſe of Hanover. The Scots had paſſed an Act for allowing a trade with France, then at war with England; and Engliſh ſhips of war were ordered to ſeize the ſhips of Scotland trading with the enemies of England; and thus were the two countries at the point of going to war, when in deſpite of the violence of party and falſe pride of Scotch dignity and independence, the good ſenſe of that nation laid the only

ſolid

ſolid and laſting foundation of peace and ſecurity for their religion, laws, liberty and proſperity, by an entire and perfect Union with England. And it is with cordial ſincerity, and a full conviction that it will give to this my native country, laſting peace and ſecurity for her religion, her laws, her liberty, and her property, an increaſe of ſtrength, riches and trade, and the final extinction of national jealouſy and animoſity, that I now propoſe to this grave aſſembly for their adoption, an entire and perfect Union of the kingdom of Ireland with Great Britain. If I live to ſee it completed, to my lateſt hour I ſhall feel an honourable pride in reflecting on the little ſhare which I may have in contributing to effect it.

APPENDIX.

a Family Eſtabliſhment in any Electorate for ſix Months of the Twelve immediately previous to the Commencement of the Election, (provided his Reſidence, or maintaining Family Eſtabliſhment be duly regiſtered) ſhould be intitled to vote for the Repreſentation of the Electorate.

X. THAT there ſhould be a Regiſtering Officer, and Regiſtry of Reſidence in every Subdiviſion of each Electorate; and that in all Queſtions concerning Reſidence, the Regiſtry ſhould be conſidered as concluſive Evidence.

XI. THAT all Elections in the Nation ſhould commence and cloſe on the ſame Day.

XII. THAT the Votes of all Electors ſhould be given by Voice, and not by Ballot.

XIII. THAT no Oath of any Kind ſhould be taken by any Elector.

XIV. THAT the full Age of 25 Years ſhould be a neceſſary Qualification to intitle any Man to be a Repreſentative.

XV. THAT Reſidence within the Electorate ſhould not, but that Reſidence within the Kingdom ſhould be a neceſſary Qualification for a Repreſentative.

XVI. THAT no Property Qualification ſhould be neceſſary to intitle any Man to be a Repreſentative.

XVII. THAT any Perſon having a Penſion, or holding a Place in the Executive or Judicial Departments, ſhould be thereby diſqualified from being a Repreſentative.

XVIII. THAT Repreſentatives ſhould receive a reaſonable Stipend for their Services.

XIX. THAT every Repreſentative ſhould, on taking his Seat, ſwear that neither he, nor any Perſon to promote his Intereſt, with his Privity, gave or was to give any Bribe for the Suffrage of any Voter.

XX. THAT any Repreſentative convicted by a Jury, of having acted contrary to the Subſtance of the above Oath, ſhould be for ever diſqualified from ſitting or voting in Parliament.

XXI. THAT Parliaments ſhould be Annual.

XXII. THAT a Repreſentative ſhould be at Liberty to reſign his Delegation upon giving ſufficient Notice to his Conſtituents.

XXIII. THAT Abſence from Duty for ſhould vacate the Seat of a Repreſentative.

FINIS.

Third Edition, corrected.

A

LETTER,

TO

Dr. TROY,

TITULAR ARCH-BISHOP OF DUBLIN,

ON THE

CORONATION OF BONAPARTE,

BY

POPE PIUS THE SEVENTH.

"*A deed without a name.*"

SHAKSPEARE.

By MELANCTHON.

DUBLIN:

NTED BY JOHN MILLIKEN, 32, GRAFTON-STREET,

1805.

226. i. 165 (2)

[redacted]

TO THE

PUBLIC.*

THE ſubject of the pamphlet which is here offered to the public, cannot be conſidered as local, or peculiar to Ireland. It embraces the moſt eſſential intereſts of the United Kingdom, and is among the topics of Imperial concern, on which it is moſt eſſential that every member, as well of the Legiſlature as of the Adminiſtration, ſhould have the fulleſt information.

It is no leſs true than lamentable, that of the real ſtate of Ireland the people of this country are more ignorant, although lying at our door, and in reality a part of ourſelves, than of the ſtate of our moſt diſtant

* The above has been added to the London edition on its republication there.

[redacted]

ADVERTISEMENT.

THE Printer feels it his duty to apologize to the Author and the Public, for the many inaccuracies and interpolations in the firſt edition of this phamphlet. To account for the latter, as well as to excuſe any intentional miſconduct on his part, he is obliged to declare, that having ſubmitted the work to the inſpection of a friend, on whoſe judgment he had great reliance, it was returned to him, not only with the fulleſt approbation of that friend, but with many notes, added, no doubt, with the beſt intention, but without his being informed of ſuch additions. Nor had he the leaſt idea of the work containing a ſingle word beyond the original manuſcript until ſome time after its publication, when the Author expreſſed his reſentment at thoſe additions, which the Printer has now carefully expunged; and for which the Author was by no means accountable.

He now prints the work in a more perfect form, and hopes to meet the indulgence of the Public, and the forgiveneſs of the Author.

April 10th, 1805.

[redacted]

A

LETTER,

TO DOCTOR TROY, &c.

Sir,

IT is to the repreſentative of the court of Rome in this part of the United Kingdom; it is to the depoſitory of the Papal power, the accredited agent, exerciſing the Papal authority in the face of the Laws of the United Kingdom, that I addreſs this Letter.

To many of your own religious perſuaſion I make no doubt but I ſhall appear guilty of great preſumption in making this uſe of your name. I can aſſure them, that nothing can be farther from my thoughts than to treat with unbecoming freedom what ſo conſiderable a part of the community, in which I live, muſt be ſuppoſed to reverence. I reſpect their prejudices; but in thus publicly addreſſing you, I think myſelf fully juſtified by your public character, and by the zeal and fidelity with which you

come forward, on all occaſions, to diſcharge the truſt implied in it.

With regard to yourſelf, or to any delicacy that might deter me from hurting your own feelings by ſuch a freedom, I do not apprehend that I have much to dread. You love to appear on the great ſtage of the world; you court that notoriety, you affect that celebrity, from which your predeceſſors, in theſe latter times, have ſhrunk; nor is it by any means extraordinary, or out of the natural courſe of things, that you ſhould. It is allowed to all newly acquired conſequence to be a little oſtentatious. Diſowned by the laws, and unknown to the government, the Roman Catholic Biſhops, of late years, diſcharged the functions of an office, which the circumſtances of the country have rendered, at all times, of very conſiderable importance to its tranquillity, diſcreetly and quietly, and with a loyal reſerve, for which the liberal and candid of all perſuaſions gave them ample credit. Recognized by the laws, and acknowledged and countenanced by the Father of his People, communicating his paternal feelings to the other branches of the legiſlature, the R. C. Prelates of this day can have no check from conſcientious loyalty, or from a prudent, and Chriſtian deference even to the prejudices of the Legiſlature of the country in which they reſide, to reſtrain them from appearing and acting in their epiſcopal character. If they are ſecure and at liberty to perform all the functions of their important office, it is

no longer only becauſe the laws ſleep. With the clergy over whom they preſide they are free to follow the traditions of their fathers in all points, whether of doctrine or diſcipline, without the leaſt controul or reſtraint of law. That they have not preſumed upon theſe indulgencies; that they "bear their new faculties as meekly" as we in general ſee them do, is no ſmall praiſe. If you aſſume a higher tone and port; if you take a more conſpicuous and commanding ſtation, we muſt, of courſe, attribute it to the more diſtinguiſhed rank to which you are raiſed among them, and to the plenitude of authority with which you are veſted. It is, doubtleſs, owing to this diſtinction that we ſee you *Virum volitare per ora*;" that you mix in the crowd of buſy politicians and place-hunters, who beſiege the principal Secretary, and are as fixtures in his anti-chamber; and that the folding doors of the Vicereyal cloſet are thrown open to you, amongſt the higheſt Prelates and Nobles, and the firſt Commoners of the land. It is to this diſtinction that we are to aſcribe thoſe Paſtoral Addreſſes and ordinances to the Clergy of your Archiepiſcopal dioceſe, which ſo frequently fill the columns of our newſ-papers with their inſtructions mandatory, and their notes explanatory, their threats and their encouragements, their puniſhments and their rewards.

From all this I conceive, that in addreſſing you as a public man, on a ſubject of the higheſt public importance, and as a conſpicuous perſonage, diſplaying all the "pomp, pride and glorious circum-

ſtances" of the Archiepiſcopal and Legatine characters, I do but join in ſwelling your triumph and ſupporting your ſtate. I conceive that by giving you an opportunity of diſplaying your zeal and your talents in the defence of the Holy Fathers, and of the Catholic and Apoſtolic See, I gratify you in the moſt favorite point, and enable you to plead additional ſervices, and to addreſs further claims to the generoſity and liberality of that Court, that ſo nobly rewards its adherents and ſupporters, as well in poſſeſſion for this world, as in reverſion for the next.

The ſubject will require all the fire of your zeal, and all the vigour of your talents. It will impoſe on you the neceſſity of ſearching and rummaging all the muſty theſeſes of theological caſuiſtry and Cenobitical morality, all the antiquated records of Decretals and Conſtitutions, of Fathers and Councils, beyond all your former exertions. The cry againſt your infallible Maſter drowns all that ever yet iſſued from all the voices of all the Hereſiarchs and Arch Schiſmatics, from the firſt days of Papal uſurpation to this hour: of the Wickliffes, and the Huſſes, the Luthers, and the Calvins, and the Zuingliuſes. The public horror and indignation which he has excited, exceed all that the Johns and the Juliuſes and the Alexanders could, with all their crimes, provoke.

From among the thouſands and ten thouſands of Chriſtians, impreſſed with theſe ſentiments, and terrified and appalled by his portentous conduct, I ſtand forward as the public accuſer of his Holineſs.—

I ſtand forward to arraign him in the face of Heaven and of Earth—In the preſence of men and of angels, I charge him with a flight of impiety and blaſphemy, beyond all that the moſt audacious abuſers of the Moſt High have ever attempted; with an extreme of inſult to the Supreme Ruler of the Univerſe, that has, as it were, been reſerved for the laſt outrage on his patience and forbearance, in this age of unparalelled apoſtacy from all religion, and for a characteriſtic winding up of that horrible revolution, that laid its foundations in the temporary extinction of the religion of his bleſſed Son, and now braves Heaven by the mockery of reſtoring that religion, only to outrage and profane it.

In all the horrors of this revolution, I charge him with having made himſelf a party. In all the horrors of this revolution, I charge him with having made our God, and our Redeemer and our Sanctifier parties, as far as his aſſumption of the Divine commiſſion, with which he inveſts himſelf, can accompliſh ſo impious a purpoſe.

It is the authority of the Moſt High which he pleads; it is the ſanction of his commiſſion of which he makes his boaſt; it is his higheſt prerogative in governing the affairs of men, that he pretends to exerciſe, while he confers the Imperial crown, the price of all the enormities to which the French revolution gave birth, on its moſt diſtinguiſhed parricide, and annoints with the Holy Oil of Kings the mercileſs hands that ſluiced the moſt innocent blood during its ſanguinary progreſs.

It is in the name of the immaculate Jeſus, and with the invocation of the Holy Spirit, that he conſecrates a ſceptre, wreſted from its legitimate poſſeſſors by a ſeries of ſuch atrocities, flowing from this revolution, as never before ſtained the annals of human crimes, or drew down the curſes of Heaven on the human race.

It is the bleſſed Son of God whom * he aſſociates in the filiation to which he admits a recorded apoſtate, who in the face of the Chriſtian and Infidel world, and by a public proclamation ſent into the world with his ſignature, while commanding the revolutionary armies in Egypt, aſſerted that God had no Son, no aſſociate in his kingdom.

It is to the grace of God, poured largely into the heart of this ferocious homicide, who by a more inſatiate thirſt of blood, and a pre-eminence in every revolutionary crime, eclipſed the fame of all his revolutionary competitors, that he aſcribes the deſire to receive the Imperial crown, the golden fruit of all theſe crimes, from the hands of God's Vicegerent and Repreſentative; and it is to the immediate inſpiration of Heaven, in anſwer to his fervent prayers, that he attributes his own determination to gratify this deſire of his moſt "dutiful ſon," who now profeſſes to be a Catholic, as, when it anſwered a revolutionary purpoſe, he profeſſed to be a Mahometan, and who now venerates the *health bearing Croſs*, as he then venerated the Croſs deſtroying Koran.

* His dearly beloved Son in Chriſt. *See the allocution to the ſecret Conſiſtory.*

With reſpect to the high ſtation he fills as Head of the Roman Catholic Church, ſeated in the See of the Prince of the Apoſtles, and, as his ſucceſſor, venerated, I might ſay adored, by ſuch a portion of the Chriſtian world, I charge him with having betrayed its intereſts, and degraded its dignity.

He cannonizes as the pious and zealous protector of that See, the man who made a merit with the people of Egypt, that he was the ſervant of their prophet; a Muſſulman, who had marched to Rome to overthrow the Pope, becauſe he invited the Chriſtians to make war againſt the Mahometan religion.

He recognizes with the warmeſt effuſions of gratitude, the moſt rapturous expreſſions of joy, the man who waged a war of extermination againſt his immediate predeceſſor in the Pontifical Chair; who plundered him of all that the zeal of Chriſtian Emperors and Princes had laviſhed on his See; who caſt him into Priſon, loaded him with contumely, and at length, by his cruel treatment, and the ruin he brought upon the patrimony of St. Peter, as well as on the whole Catholic Church, broke that truly pious, upright, and venerable Pontiff's heart, and brought his grey hairs with ſorrow to the grave.

To the royal family of France I charge him with the foulеſt ingratitude. He takes the crown of St. Louis from the altar on which, by an eternal decree of Boniface the 8th, his name was for ever to be invocated, and places it on the head of the murderer of his deſcendants.

On the throne that had been filled by this race of

kings, who for ſo many ages had been ſanctified as the eldeſt ſons of the Roman Catholic Church; the founders of all its temporal power; the liberal benefactors to whom the See he fills owes all its princely poſſeſſions, he ſeats the upſtart uſurper of their birthright, the plunderer of their inheritance, the tyrant who founds his power on their extinction.

Theſe are the charges I bring againſt this father of the faithful, this viſible head of the Church of Chriſt, this Vicegerent of God. It is not a tale of old times; it is not a tranſaction of ages of ignorance and ſuperſtition, to which we ſcruple to give credit, as ſo diſſimilar to all that the principles and feelings to which we are habituated can ſuppoſe poſ-

ſible. It is the act of the hour in which I write:—enlightened Europe is witneſs to it.—The aſtoniſhed and indignant world bears teſtimony to it. Stand forward, you who exerciſe the office of advocate for this delegate of Heaven—ſtand forward, and in the face of your country defend him againſt theſe charges; ſtand forward, and exculpate him to the numberleſs profeſſors of your own religion, who hang down their heads in ſhame and ſilence, and to the whole body of your Proteſtant fellow-ſubjects, whoſe indignation I but faintly expreſs.

I own that, notwithſtanding all I have ſeen of your ingenuity and adroitneſs in all ſuch caſes, I am at a loſs to gueſs on what ground you can take up this exculpation. Dexterouſly as you manage every polemical weapon, whether of attack or defence, and trained as you have been, from your ear-

ſeſt days, in the ranks of the moſt ſubtle caſuiſts and ſchool-men, it is not eaſy to gueſs what are the weapons which you can ſelect from the old armory, on this occaſion, or to what ſubtleties and refinements you can have recourſe. We hear, indeed, ſome whiſpers that may ſerve to lead us a little into the ſecret. There are not a few *runners* detached into ſociety, who drop preparatory hints, introductory inſinuations, from which we may anticipate ſome of the arguments that are to be brought forward at this deſperate puſh.

In the firſt place, ſubmiſſion to the ruling powers, we are told, is enjoined to all Chriſtians by the apoſtle St. Paul. There is no power, this Apoſtle affirms, that is not ordained of God, and therefore, he who reſiſts the power, reſiſts the ordinance of God. The ſame doctrine is delivered by St. Peter. This inſpired predeceſſor of his Holineſs, alſo, inculcates ſubmiſſion to every ordinance of man for God's ſake. Now the power of France is at preſent veſted in the Corſican by an ordinance of the French people: his power is, therefore, the ordinance of God, and he who reſiſts him, reſiſts God. He has been raiſed to the throne by this ordinance of man, therefore every Chriſtian muſt ſubmit to him for God's ſake.

It muſt be confeſſed, that there is no ſaying to what extent of implicit ſubmiſſion to every doctrine preached to them, as founded on the declarations and traditions of the Church, the middling or

lower orders of the Roman Catholics, or (to ſpeak more correctly, and by a term more fully explanatory of my ſentiments) the Papiſts of this country may be led. Yet, I ſhould think that you would entertain no very ſanguine hopes, yourſelf, of making an argument palatable to many of your own perſuaſion, which, admitted in the extent to which it muſt be carried, to ſerve you on this occaſion, muſt not only authorize every uſurpation, however accompliſhed and ſupported by murder, by rapine, by ſacrilege, by every abomination, at which nature ſhudders and religion veils its ſacred head, but muſt make the Supreme Ruler himſelf the encourager and remunerator of all the crimes, againſt which reaſon and religion denounce his ſevereſt judgments; —an argument that would diſſolve all the elements of ſociety into their original chaos; that would make *Might*, *Right*, "break religions, bleſs the accurſed, place thieves, and give them title, knee, and approbation."

In the age of the king-killing doctrine, indeed, Reynolds, and Parſons, and others of the true jeſuitical ſchool, made no ſcruple to profeſs ſuch an opinion, and to puſh it even to the utmoſt extent of blaſphemy. They maintained, as you well know, that it is not merely lawful, but that it is acceptable to God to depoſe and murder, not only Princes excommunicated by the Pope, but Princes under all circumſtances, whenever the commonwealth, deſparing of their amendment, riſes in arms againſt them. Nay, Mariana, another great teacher on

the ſame bench, whoſe works are familiar to you, aſſerts that the advice of grave men, or an intention of public good, are, alone, ſufficient to authorize the ſubject to have recourſe to this ſacred exertion of ſanctimonious patriotiſm.

But I have no fears that any graduate from that execrable ſchool ſhall, in our days, dare to outrage Chriſtianity, under any form, by ſuch doctrines, notwithſtanding the phænomenon of the murkey night of the 8th century ſucceeding ſo inſtantaneouſly, and ſo much out of the ſettled courſe of moral nature, to the meridian ſplendor of the philoſophic age of the French revolutioniſts. There are amongſt the Roman Catholics of this day, numbers who look for ſomething like reaſon and argument on the points to which they are required to give their aſſent, and to them I would put it to reflect, how little theſe paſſages from the Scriptures have to do with the queſtion in diſcuſſion between you and me.

You will not deny, Sir, that the precept inculcated in theſe paſſages by the Apoſtles, was deſigned to check a wild ſpirit that began to ſhew itſelf among ſome of the early converts to Chriſtianity, impelling them to teach that in their character of followers of the Son of God, they owed obedience to no earthly power. Againſt this dangerous doctrine in all its tendencies, the Apoſtles, as if anticipating what the Pontiffs of Rome and their votaries were in proceſs of time to attempt, caution the faithful, to whom the Epiſtles that contain theſe

paſſages are addreſſed. They teach them that all legitimate authority, as it has the order, the harmony, the happineſs of ſociety for its object, muſt be under the protection and ſafeguard of the Supreme Ruler, and forms a part of the wiſe ſyſtem by which he governs his providential kingdom.

To ſuch authority the bleſſed Apoſtles inſtruct all Chriſtians reſiding within its circle, and amenable to its power, to ſubmit in all peaceableneſs; fomenting no rebellions, raiſing no factions againſt the ſtate; never reſiſting the magiſtracy, either in its puniſhment of evil doers, or in its encouragements "to them that do well;" nor abuſing the ſpiritual "liberty wherewith Chriſt had made them free, as a cloak" of inſubordination, or "licentiouſneſs," or as a releaſe from the control of the civil government of their country.

Is it not an inſult to the underſtanding of the moſt ignorant Chriſtian to pretend that ſuch a precept bears, in the moſt diſtant degree, on the point in diſcuſſion? What ſubmiſſion did your holy father, a foreign and independant prince, owe to the Corſican uſurper? What obedience was due from him to his power, however acquired, or by whomſoever recognized? How was he called upon, by theſe injunctions of the Apoſtles, to give his ſanction to that power, or to contribute his part in eſtabliſhing it, and with his own hands to aſſiſt in raiſing it on the ruins of the power which his predeceſſors had acknowledged and reſpected, and been protected by, for ages?

I have his Allocution before me. Does he there pretend that it was under a ſenſe of what is due from all Chriſtians to theſe precepts of the Apoſtles, that he obeys the tyrant's mandate, and repairs to his capital? I do not find an expreſſion of that tendency in this moſt curious manifeſto. No—it was not to ſubmit to the tyrant's power as to the ordinance of man; it was to eſtabliſh it in the name of God, and to make his elevation to the throne the ordinance of God, as done by the repreſentative and Vicegerent of God. It was to confer the royal authority as a reward of the proofs which that dutiful ſon of the Church had given of his religion, and of his filial reverence of the Holy See. This was the motive that induced him* cheerfully and gratefully to comply with the *deſire* of "his beloved Son in Chriſt, to be annointed with the holy unction" by the hands of his Holineſs; to receive from the hands of his Holineſs, the Imperial Crown; "to be placed by the moſt ſolemn rites, performed by his Holineſs, in the higheſt rank," to which his ambition aſpired; to be indebted for this his ſolemn inauguration into royalty to his Holineſs, "impreſſing the ceremony with a character of religion, and calling down the benediction of Heaven" upon this Euthanaſia of the revolution.—In a word, it was that his Holineſs ſhould become the moſt active and efficient inſtrument, the principal agent in putting the tyrant in quiet poſſeſſion of the prize he had been ſo long

* See Allocution.

contending for, through carnage, and ſlaughter, and ſeas of blood.

Will you tell us, Sir, in what more explicit terms could his Holineſs avow all this? Does he not make his boaſt of it? Does he not "pour out his heart in thankſgivings to God, that he has thus an opportunity" of perfecting this great work? Does he not exultingly tell his Conſiſtory, and through them the Chriſtian world, that the tyrant is himſelf willing finally to owe the crown and ſceptre to the Holy See? That he does not conſider himſelf to be in full and ſecure poſſeſſion of them till he receive them from the hands of the Holy Father? And is it not to convey to him theſe enſigns of royalty, and with them the character and the power of royalty, that he tells them he ſets out on his progreſs to the court of the tyrant?

And will you plead the venerable name, and the ſacred authority of the Apoſtles, to ſanction ſuch a deed? "They inculcated ſubmiſſion and obedience to the authority even of a Nero, among all the faithful, who were unhappy enough to live under his government." No doubt they did. But would they have taken a primary and deciſive part in eſtabliſhing that government? Would they have voluntarily invoked the bleſſing of Heaven on that government? Would they voluntarily, and with a view to promote the intereſts of the religion they were commiſſioned to preach, have ſanctioned in the name of their bleſſed Maſter, and with the invocation of the Holy Spirit with which they were

filled, all the horrors and abominations of that atrocious and ſanguinary reign? Would they have domeſticated themſelves within the walls of the tyrant's palaces, ſmeared with blood? Would they have appeared voluntary and gratified gueſts at his feaſts? Would they have ſat at the ſame board with his Poppœa and his Statilia, the refuſe of other men's beds, or with his Actè, manumitted and tranſferred to him by her former poſſeſſor, and whom he would have raiſed to the Imperial throne, had he not, ſhameleſs deſpot as he was, ſtood in awe of what yet remained of Roman virtue and decorum*? This would have been a precedent full in all its points—under its authority the advocates of his Holineſs would not have been driven to the ſubterfuge of confounding the ſubmiſſion of the ſubject to lawful authority with the voluntary act of a ſovereign Prince and Prelate, who confirms, and legitimiſes, and hallows what you have yourſelf, in all your Exhortations and Paſtoral Letters, ſtigmatized as the moſt execrable of all uſurpations.

Well, but *Neceſſity*—Neceſſity, another whiſper that has been ſuffered to eſcape from the Conclave in Francis-ſtreet. What ſhall we ſay to Neceſſity? And Menaces? And Force? Having no alternative left to him but implicit obedience, or the fate of his predeceſſor; neceſſitated either to conſent to im-

* It is ſaid that the Pope has prevailed on Buonaparte to marry the caſt miſtreſs of Barras, and that his Holineſs performed the ceremony in Pontificalibus.

preſs with the character of religion the rank which the tyrant elect had uſurped, and to call down the benediction of Heaven on the blood-ſtained ſceptre of this infidel homicide, or to be cruſhed under its iron weight, to be deſpoiled of his territories, ſtripped of his Tiara, treated with every contumely, caſt into priſon, or immured in a convent, and kept in durance till death—what could the Holy Father have done?

Can you, then, inſult? Have you encouragement from the loweſt and moſt ignorant peaſant who bows in the moſt abject ſubmiſſion to your Archiepiſcopal Crozier, to inſult the underſtanding, and the religion of a people, by offering them ſuch a plea to juſtify this debaſing conduct in him who calls himſelf their Spiritual Head? A French tragic Poet introduces into one of his plays a Roman Father—let not your pious bile be excited, Reverend Sir; *Ne ſævi magne ſacerdos*, as from your unacquaintance with ſuch profane writings you might do. I do not mean a Father of the Roman Church, I mean the father of a noble youth of Pagan Rome, who was reported to him to have fled in battle. Fired into rage at the ſuppoſed infamy entailed on his name and race, and lamenting his unhappy lot in having lived to witneſs ſuch indelible diſgrace in one ſprung from his loins, he is aſked by the meſſenger, who brought him the tidings, and explained to him the deſperate ſituation to which his ſon had been reduced, "What he could have done?"—"*Que voulez vous qu'il fit? Qu'il morut*," was the

indignant anſwer—a thouſand, ten thouſand deaths, exclaimed this heathen, rather than bring ſo foul a ſtain on his name, his rank, his country, and his houſehold goods.

In putting ſuch a ſentiment into the mouth of the Elder Horatius, Corneille kept ſtrictly in view the morals of the people among whom he placed the ſcene. Unſupported by thoſe glorious proſpects which Chriſtianity opens to its profeſſors beyond the limits of this life, and in proportion to the enlargement of their minds, and the vigour of their underſtanding, rejecting as idle, and old womens tales, *fabulas anniles*, all the promiſes of rewards for virtue in ſome happy regions of bliſs beyond the grave, with which their prieſts and poets amuſed them, the heroes of Pagan Rome braved all the terrors of death, deſpiſed all its torments, faced all its certainty of the extinction of their entire being, which it placed before them, whenever it came in competition with their honour, their dignity, what they owed to their country, or what their moral feelings dictated to them. Within the cold and annihilating embrace of this all-deſtroying tyrant they ſought a refuge againſt all that was ignoble and inglorious, all that could diſgrace or degrade them in their eſtimation of their contemporaries or poſterity. *Mihi vero licet*, ſays Cicero in one of his Philippics, when treated with indignity, and inſultingly menaced by the tyrant of his day, in order to force him into a compliance with his iniquitous meaſures, *Mihi vero*

licet, ſemperque licebit dignitatem tueri, mortem contemnere. In the Treatiſe on Moral Duties which he wrote for his ſon's inſtruction, he talks in the ſame exalted ſtrain.—*Nemo juſtus eſſe poteſt qui dolorem, Qui exilium, qui egeſtatem, qui mortem timet, aut qui ea, quæ his ſunt contraria, æquitati anteponit.* I could multiply quotations without end from the writings of other Pagan moraliſts, on whoſe page the light, that has been ſent from Heaven, never ſhed a ray, inculcating the ſame ſentiments.—Pagan hiſtory abounds in examples of heroes who greatly practiſed what their moraliſts thus ſublimely taught. What then had we not a right to expect from a Chriſtian Biſhop? the head of the Chriſtian Hierarchy? the repreſentative, the adjunct of the *great Biſhop of ſouls, who before Pontius Pilate witneſſed a good confeſſion, and braving the contradiction of ſinners againſt him, endured the Croſs, and deſpiſed its ſhame, and its torments, to do the will of his Father?*—What had we not a right to expect from the ſucceſſor of that Apoſtle. from the inheritor of all the divine gifts and privileges of that Apoſtle, nay, as the repreſentative of St. Peter. a choſen veſſel, raiſed in dignity above that Apoſtle, who tells us that *with all boldneſs Chriſt ſhould be ever magnified in his body, whether by life, or by death; for to him to live was Chriſt, and to die was gain; who counted all things but loſs for the ſake of Jeſus Chriſt, for whom he ſuffered the loſs of all things?*—What had we not to expect from him who claims the privilege of decreeing divine honours, and erecting altars to

that glorious company of Martyrs, who *come out of great tribulation; who waſh their robes in the blood of the Lamb; who have trial of cruel mockings and ſcourgings, of bonds and impriſonments; who are ſtoned, who are ſlain by the ſword, who are ſawn aſunder*, who are tortured in every ſhape the cruelty of tyrants can deviſe, rather than renounce *the prize of the high calling of God*, by compliances unworthy of that calling; by betraying their duty, or fawningly and hypocritically falling down before the idol of power, who had their deſtiny in his hands?

In God's name, Sir, let the advocates of his Holineſs ſpeak out at once the language of the ſchool in which they have been bred. Let them bruſh off the duſt from the pages of the Bellarmines, the Mariana's, the Valentias, the Vaſques, the Parſons's, their early preceptors in Ethics. From them let them ſelect their arguments from ſtate-neceſſity, to palliate a conduct, which would have been deemed ſhameful and degrading even by thoſe who had only the light of Nature to guide, and the encouragements of Natural Religion to ſupport them; but, let them not trample on the little of Chriſtian feeling that has ſurvived the apoſtacy of this age, by pleading ſuch a palliative on Chriſtian grounds, or by any arguments drawn from the writings of the Evangeliſts or Apoſtles, or even from the ancient Fathers, or the traditions derived from their times.

They may be emboldened by the experience of centuries, to make the attempt on numbers of my infatuated countrymen (unhappily they are the

greater number), who, in all the blaze of light diffuſed around them by the general diſſemination of the Holy Scriptures, continue to delight in darkneſs, having no religion but that of their teachers, qualified or unqualified, and ſubmiſſively laying down their reaſon aud their faith at the door of the confeſſional; but I truſt and I know that there are thoſe amongſt the moſt conſcientious and ſincere Catholics, whoſe underſtanding cannot be ſo groſsly impoſed on; I know that there are many conſcientious and ſincere Catholics, who are better able to *give an account of the faith that is in them*, as the Diſciples of Chriſt, than to acknowledge theſe ſpurious doctrines, theſe foundlings of the ſchools, ſwaddled in all the tunics, and cowls, and coifs, and cinctures of their monkiſh foſterers, which you would obtrude upon them, as the genuine and legitimate offspring of the holy religion they profeſs.

Here again I have the Allocution of the Holy Father to the ſacred Conſiſtory before me; I read it over and over, and I do not find one word in it of this plea of Neceſſity. If his Holineſs urged ſuch a plea to theſe his confidential adviſers, he has not ventured to publiſh it to the world. It has not been offered, under any ſpecial authority from him to the faithful at large, to reconcile them to the indignities to which he ſubmitted, or to the ſacrifices he has made. We hear of it only in whiſpers. The chief ground of defence his Holineſs has choſen has been long familiar to his predeceſſors. He could not ſtifle the voice of his conſcience,

or drown its cries, notwithſtanding all he tells us of his having *ſatisfied his doubts.* He foreſaw the attacks to which he muſt be expoſed from every quarter of the Chriſtian world, and the war he would have to encounter from the univerſal ſenſe and feeling of mankind. He, therefore, took refuge within the ancient fortreſs, the old caſtle of St. Angelo, in which all his predeceſſors have ſhut up and entrenched themſelves, on every ſuch deſperate attack. To every aſſault he preſents the intereſts of Chriſtianity, inſeparable from the intereſts of the Holy See; the degradation of the Croſs manifeſted in the degradation of the Pontifical Crozier, and its triumphs in the triumph of the triple Crown; the name of God and of his Son profaned by the indignities offered to their Vicegerent, and reſpected and reverenced in the homage paid to him; the veneration and obedience due from all Chriſtians to St. Peter, renounced in the plunder, or evinced by the protection and ſecurity of the patrimony of St. Peter.

This is the defence which his Holineſs ſends into the world to meet the univerſal indignation which he foreſaw, and not an imperious Neceſſity operating on his fears. On this ground he repreſents the miſeries which the Holy See had ſuffered from the tyranny and oppreſſion of the Corſican, as overwhelming the religion which that apoſtate had renounced; and in the minatory adulation, the inſulting ſubmiſſion paid by him to his Holineſs, with a view to the farce that has been ſince acted,

he rejoices as in the converſion of this auguſt Prince to the Catholic Religion, and the reſtoration of the true worſhip of God throughout the extenſive regions of the French empire.

It muſt be confeſſed that in all this his Holineſs has done no more than follow the precedents ſet him by his predeceſſors, from the days of Pope Zachary in 752, to his own. The reign of that Pontiff in particular takes away from Pius the 7th every other merit or demerit but that of imitation; and if the draft that was ſketched with ſo maſterly a hand by Zachary has been but rudely and faintly copied by his worthy ſucceſſor, we muſt aſcribe it to the changes that have been produced by ſo long a ſucceſſion of ages, and to the difference of ſituation and character in the two uſurpers, Pepin and Napoleon.

The events which the mention of thoſe times brings to my recollection throw conſiderable light on our ſubject. It cannot, therefore, be foreign to it, to enter into them with ſome minuteneſs.

The Popes owed no great obligations to the firſt race of the Kings of France; Clovis* their great founder had been converted to the Chriſtian faith; he built Churches, he founded Monaſtries, he aſſembled Councils; but it does not appear that he had any intercourſe with the Holy Father, if we except a letter to him from Pope Anaſtaſius, congratulating the Church, as almoſt every other weſ-

* Began his reign in 481, A. D.

tern Biſhop did, on the acquiſition of ſuch a convert*. For this Father Daniel, the Jeſuit, is my authority, an authority which you, Sir, will not be forward to diſpute. In his hiſtory of that Prince's reign we find no mention whatever of the contemporary Popes, except on the occaſion above alluded to. It appears, from that hiſtory, that he erected Sees, that he filled them with Prelates of his own choice, and that he conſtantly conſulted with them on every thing that concerned the intereſts of religion. In particular the Rev. Father gives us a letter from theſe Prelates on the breaking up of a Council, to which the King had ſummoned them at Orleans: in this letter they tell him that—"they ſend him the anſwers, on which "they had agreed, to all the points he had pro-"poſed for their diſcuſſion, in order that he *might* "*ſtamp theſe anſwers with his approbation, if he* "*ſhould think them worthy of it, and that the deci-*"*ſions of ſo many Holy Prelates might be rendered* "*more efficacious by the authority and the orders of* "*ſo great a King.*" This is an important document; it is the act of the whole body of the French Church; but it contains not one word of the Pope, nor of the Holy See; not one word of the ſucceſſor of St. Peter; not one word of the Supreme Head of the Church, the ſole arbiter in all matters

* There is a fable of his having preſented a golden crown to St. Peter, invented by ſome Monk, and noticed by no hiſtorian of that day.

of religion, or even of that neceſſary authority to ſanction and give force to the decrees of Councils in all articles of faith and diſcipline, which the Popes have ſince arrogated.

On any intercourſe between the Popes and the ſucceſſors of Clovis, more than with any other of the weſtern Biſhops, the Jeſuit is equally ſilent. He quotes, indeed, a letter from Pope Pelagius to one of them, ſtyling himſelf "by the mercy of God, "Biſhop of the Catholic Church of the city of "Rome." Theſe his titles are no leſs different from thoſe aſſumed by his ſucceſſors than is the tenor of the letter. It is to clear himſelf to the King from an accuſation propagated againſt him in France, and charging him with the want of Oxthodoxy. Daniel mentions, alſo, a correſpondence between Gregory the Great and the famous Queen Brunhault, relative to the converſion of England; and with Childebert, extolling the French King and nation above all the other Princes and kingdoms of the earth. But all this adulation produced no grateful returns. There was no aſſumption on the one part, nor acknowledgment on the other, of any right of interference, much leſs of any control, in the affairs of the Church of France, inherent in the See of Rome by Divine right. On the contrary, theſe ſucceſſors of Clovis continued to create and depoſe Biſhops, to aſſemble Councils by virtue of their regal authority, and to confirm the Canons paſſed in thoſe Councils; but of the viſible Head of the Catholic Church, or of the Supreme apoſtolic See,

the Rev. Father has not a ſingle opportunity of recording the triumphs.

Under the uſurpation of the ſecond race, a new ſcene opens to us. Charles Martel, who without the name of King, inherited all the regal power with the office of Mayor of the Palace, was early courted, in the career of his brilliant victories, by Gregory the third. In conſequence of a ſolemn embaſſy ſent by his Holineſs to Charles, " the firſt (ſays Father Daniel) that had ever been ſeen from a Pope in France," the revolution was planned, that ſecured a throne to the family of the one, and to the ſucceſſors of the other. A negociation was ſet on foot, by which it was agreed that Pope Gregory ſhould renounce the allegiance, which the Biſhops and people of Rome had, till then, owed and ſworn to the Emperor of the Eaſt;—that he ſhould put himſelf and the Holy See under the protection of Charles, and ſhould confer on him, *in the name of the Roman people*, the titles of Patrician and Conſul, as they had been conferred on Clovis by the Emperor Anaſtaſius. Charles undertook, on his part, to protect and defend the Pope, the Roman Church, and the people of Rome, not only againſt the Lombards, who had taken poſſeſſion of the Exarchate of Ravenna, the ſuppoſed gift of

Conſtantine the Great, and threatened Rome itſelf with a ſiege, but againſt the Grecian Emperor, the undoubted ſovereign of the Duchy of Rome, ſhould he be inſtigated to puniſh this act of open rebellion in his vaſſal.

This was the rough draft of the famous Partition Treaty between rebellion and uſurpation, that was finally ratified and carried into full effect, with the ſubſtitution of the Regal to the Patrician and Conſular dignity, by Pepin, ſucceſſor to Charles, and Zachary, ſucceſſor to Gregory.

A celebrated writer of the 15th century, compares the conduct of the two contracting parties on this occaſion to that of two robbers dividing their booty between them—Pepin engaging to transfer to Zachary the territories of which he was to deſpoil the Emperor and the Lombards; and Zachary ſanctioning the uſurpation of Pepin, in wreſting the ſceptre from the hands of his lawful ſovereign—Pepin enthroning the Spiritual power of Zachary, and Zachary regaliſing the temporal power of Pepin.

It is worth obſerving, and it cannot have eſcaped your diſcernment, that the proſtituted writers, who ſuffocate us with the fœtid incenſe of panegyric and adulation, which they inceſſantly burn under the noſe of the new God of their idolatry, have never once brought forward the name or the example of Pepin in their references to the great characters to whom they labour to aſſimilate the hiſtory and the

fortunes of the Corſican. The great original whom he copies, the renowned Prince in whoſe ſteps he treads, is Charlemagne. It is the genius of Charlemagne that leads him to univerſal conqueſt;—it is the piety! the devotion! of Charlemagne that inſpires him with ſo ardent a zeal for the intereſts of the Holy Catholic Church; ſuch profound veneration for the Apoſtolic See; ſuch filial ſubmiſſion to its Supreme Head. It is the example of Charlemagne, and a pious ambition not to be excelled by him in any of the ingredients that go to the compoſition of a true Chriſtian Knight and Hero, that impelled him to receive the ſacred Unction from the hands of the ſucceſſor of the Prince of the Apoſtles.

Now the fact is, and it would be diſreſpectful in me to ſuppoſe you to be ignorant of it, that in the adventures of the Corſican we cannot diſcover the moſt diſtant reſemblance to the fortunes of this hero of hiſtory and romance. Charlemagne found royalty in his cradle, however it came there;—he ſucceeded quietly and peaceably to the throne of his father, however acquired. With reſpect to the title of Emperor, with which he was inveſted after a triumphant reign of thirty-two years, if we are to believe his hiſtorian and ſecretary, Eginard, it had never been an object of his ambition; it had never been in his contemplation. According to this hiſtorian, and who can deſerve more credit in a tranſ-

action of which, moſt probably, he was an eye-witneſs, it was the officious zeal of Pope Leo that ſunk the titles of Roman, Patrician and of King in that of Emperor. I need not inform a perſon ſo converſant in church hiſtory, that this ſame Leo had been under the neceſſity of vindicating himſelf before Charlemagne, who came to Rome expreſsly for the purpoſe of having him tried, from a charge of the moſt horrible crimes *. He purged himſelf by his own oath. Charlemagne believed him, and took him under his protection, and the Chriſtmas day following, as this Prince was on his knees during the celebration of Maſs in the Baſilic of Saint Peter, his Holineſs, without any previous communication of his deſign, placed an Imperial crown on his head; excited the people of Rome to hail him "Cæſar, Auguſtus the Great, the Pacific, crowned "by the hand of God;" and, with the people, paid him the homage, whlch the ſovereign Pontiffs had immediately paid to the Emperors, whenever they viſited the ancient capital of the Empire. But ſo chagrined was the Emperor at the officiouſneſs of this conciliatory act, which the gratitude and the policy of Leo ſuggeſted, and at the manner in which he was ſurpriſed into it, that he declared, as Eginhard aſſerts, that had he been aware of what was to happen, he would not have gone to the Church, notwithſtanding the holineſs of the day.

* So he ſays himſelf in his exculptory oath, of which a copy remains.

Such is the account of this memorable tranſaction, as I find it in Father Daniel, and other hiſtorians of equal authority, for I own I have not read the original hiſtory. Is there a ſingle circumſtance in which it bears the moſt diſtant reſemblance to the atrocious uſurpation of the Corſican, or to the blaſphemous ceremonies of his coronation?

But of the events attending the ſeizure of the crown by Pepin, and of the *repetition of the ceremony of his conſecration by Stephen, who, next but one, ſucceeded to Pope Zachary, we ſee an imperfect copy ſketched by the pencil of this modern maſter from the ſchool of uſurpation and hypocriſy. All that is ſhocking and revolting in the old hiſtory piece, meets and diſguſts the eye on the Corſican canvas; but a trace is not preſerved of all that reconciled his contemporaries to the aſſumption of the royal dignity by Pepin. The difference is obvious, as well in the principal figures, as in the groupes that ſurround them; and it is melancholy to obſerve, that in the perſon of his Holineſs it is the moſt humiliating and degrading.

In the old piece we ſee the deſcendant of the moſt ancient and illuſtrious family in France, a chieftain, to whom an uninterrupted ſucceſſion of great and illuſtrious characters, handing down to each other from father to ſon, the high dignity of Mayor of the palace, had for centuries ſecured the inheritance of the ſupreme power and authority,

* That ceremony had been previouſly performed by Boniface the famous Biſhop of Metz.

while the degeneracy of the deſcendants of Clovis left to the lineal poſſeſſor of the throne the mere name of King. In the new we behold a foreign adventurer, an iſlander of obſcure birth, indebted for his education to the royal charity, and to the munificence of one of the progenitors of the family over whoſe ſlaughtered carcaſſes we ſee him making his way to their throne; ſtarting firſt into infamous celebrity, among the Cannibals of Jacobiniſm, in the capacity of a ſubaltern officer of artillery, "in "armour whoſe proof nor yells of mothers, maids, "nor babes, nor ſight of prieſts in holy veſtments "bleeding could pierce a jot," dripping with the blood of the citizens of Paris, againſt whom he turned the engines of deſtruction that had been put under his command for their protection. Round Pepin's throne we ſee the whole body of the ancient nobility of France, the Dukes, the Counts, the high dignified Prelates, the general States of the realm. Their orders do not appear to have been thinned by murders or maſſacres, by the daggers of aſſaſſins, or the hands of the executioner;—their wealth does not appear to have been diminiſhed by confiscation, or by plunder—they blaze in all their hereditary dignity and ſplendor, ſtill guarding the throne, which their exertions had upheld, and proud to fill it by a poſſeſſor more worthy to reign over them, and to whom they and their fathers had been accuſtomed to pay an obedience, only leſs than that of avowed ſubjects.

The throne of the Corſican appears raiſed on

heaps of ſlaughtered Princes, and Nobles, and Prelates, once the pride and the ſafeguard of their native land. In their place we ſee a ſavage and vulgar group of baſe, low-born adventurers thrown up with their chief amidſt all the crimes, and vices, and filth of the nation, by the convulſion that agitated it to its deepeſt foundations;—aſſaſſins, and murderers, and plunderers, bearing the ſplendid ſpoils they had torn from the throne, and the altar, from the caſtles and the demeſnes of the ancient proprietors of the ſoil; apoſtate Prelates, their mitres dipped in the blood of the former pious poſſeſſors of their plundered Sees; a mean and degraded Clergy, ſatisfied to ſell their conſciences and their ſacred profeſſion for the pitiful dole dealt out to them from the treaſury of ſacrilege, and the plunder of eccleſiaſtic property, by the tyrant, at the footſteps of whoſe bloody throne they kneel in the moſt abject ſubmiſſion.

Here we ſee the laſt deſcendant of Clovis, conducted from the inmoſt receſſes of his palace, where he was wearing out his days in inglorious obſcurity and degrading amuſements, forgetting his ſubjects, and by his ſubjects forgotten. He is conveyed, without tumult, without violence, without blooſhed, to the peaceful receſſes of a monaſtry, there to lead a life ſcarcely more unnoticed or more unknown. There we behold the venerable figure of a King, whoſe virtues reflected back on his race the glory he derived from it; whoſe reign, in military renown, in commercial advantages, in literary fame,

in the perfection of Arts, in the improvement of Science, in all that can make a nation reſpected abroad, or flouriſhing at home, had equalled the moſt ſplendid days that proud and warlike, and enlightened people had ever known. With his royal Conſort, preſerved with difficulty from the pikes of an infuriate ſoldiery, and his children exciting our pity the more as, from their age, they ſeem unconſcious of the extent of their miſery, he is torn, at the midnight hour, from the unavailing loyalty of his faithful guards, who are butchered in his ſight.

He is dragged from the dungeon, into which he and his family were caſt like the commoneſt felons, before a tribunal of ſavages, thirſting for his blood, and determined on his murder. We ſee the mock trial, the ſavage array, the ſcaffold, the inſtrument of death, the headleſs trunk, caſt with every mark of outrage and ignominy into the moſt vulgar receptacle of the dead. We ſee the lengthening train of royal victims—the magnanimous and high ſpirited Queen, worthy in courage of the illuſtrious race from which ſhe ſprung, and, in the Chriſtian fortitude and piety ſhe diſplayed, worthy to be the daughter of Maria Thereſa; and the pious, the virtuous, the meek, faſciniating ſiſter, appear mingling their blood on the ſame ſcaffold with that of the martyred King and Brother. The royal youth, bereft of his crown, waſtes in ſlow decay from the poiſoned draught, and finds his grave in his priſon. The brave deſcendant of one of the braveſt of the

Bourbons, who bears * the early name, and exhibits all the matured virtues of the immortal Conde, cloſes the horrid ſcene, and is offered up the laſt victim to the fears and ſuſpicions of the gloomy tyrant.

Turn now your eys, Sir, to the figures that intereſt you moſt nearly. See where the ſtandard of the Croſs points out the ſucceſſor of the Prince of the Apoſtles. With this inſtrument of our redemption in one hand, and with the other raiſed to Heaven, he invokes the Divine bleſſing on the "deed without a name," that crowns all theſe horrors. What a proud ſtation does he hold among this group of regicides, and atheiſts, and apoſtates, mingling the awful ceremonies of religion with their impious rites! How glorioufly does the Tiara reflect the rays that iſſue from the diadem of "the blood boltered" tyrant!—"Lucifer, ſon of the morning, how art thou fallen!"—I do not know how you, Sir, may feel, but he cannot be a Chriſtian whoſe heart is not chilled within him, on ſeeing this degraded man. Compared to him Stephen, although making himſelf an accomplice in injuſtice; although ſacrificing the ſanctity of his high office to his temporal aggrandiſement, and that of his ſucceſſors; although preferring the intereſt of his See to the intereſts of Religion, appears like an Angel of light. If he gave the ſacred unction to an uſurper, he had not

* D'Enghein.

to cleanſe his murderous hands from blood with the anointing oil. If he carried the deciſion of his predeceſſors into practice, and joined in taking the crown from the head of its legitimate poſſeſſor, to transfer it to the man who invaded his birthright, he had no maſſacres, no murders, no poiſonings, no apoſtacy, no ſacrilege, to cover within that all-hiding circle. If he cauſed the ſtandard of the Croſs to be erected amidſt the emblems of royalty that had been wreſted from the hands in which a poſſeſſion of more than three centuries, and the laws both of God and man ought to have ſecured them, he did not expoſe it to public ſcorn and contempt. In the coronation proceſſion he was ſurrounded by no infidel populace, who, with the ſame voice that had raiſed the war whoop againſt all Biſhops, and conſigned them to the lamp poſt, when that war whoop was in uniſon with their tyrant and his Jacobins, purſued the officer who bore this repreſentation of the inſtrument of our redemption with peals of laughter and ſhouts of deriſion *.

* This inſult is curiouſly ſoftened down by the French journaliſts. Reporting the incidents of the coronation proceſſion.— "We ought to remark, ſays one of them, (for this belongs to the French character, always lively, even in the moſt ſerious circumſtances) that the people could not refrain from making merry on ſeeing the Croſs-bearer who preceded his Holineis's carriage." This their merriment was expreſſed by inextinguiſhable laughter, no doubt to his Holineſs's great edification, one of whoſe objects in undertaking a journey to Paris, was to erect there the ſtandard of the HEALTH BEARING CROSS.

In undertaking a journey to the French capital there was nothing to degrade him. He obeyed no domineering mandate; his votaries were not called upon to plead an imperious neceſſity, menaces and force in his juſtification. It was a voluntary act. He undertook the journey on his own free motion. On his arrival in the French court, his reception by the King afforded the firſt example of what his ſucceſſors, in proceſs of time, claimed as their right, from the moſt powerful Princes of the earth. With his ſons Charles and Carloman, and his queen Bertruda, who was his equal in birth and pride of blood, with the chief Lords of his court, and moſt of the Nobility of France, Pepin advanced three miles to receive his diſtinguiſhed viſitor. At his approach he proſtrated himſelf on the ground before him, and not ſuffering him to diſmount, attended him on foot, performing, ſay the hiſtorians of the day, the office of his equerry. He did not conſign him, with kingly civility and dignified condeſcenſion, to ſome muſhroom officers of his retinue, newly ſprung from the dirt, to do him, at ſecond hand, the honours of a motley court;—he did not affect to make all his attentions to him with an air of ſuperiority, graciouſly bending from its ſtate; he did not exhibit him to the public, as forming a part of his Imperial train, as miniſtring with the other creatures of his power, to the grandeur and ſplendor of his triumphant proceſſion, and following his radiant car, with the equipage and liveries of a woman perſonating his wife! (What a woman! How

worthy to have her chariot ſeat preſſed by the Holy Father!)—among all his other ſevile retainers. He did not compel the unhappy old man to ſwallow down in the Thuilleries, amidſt the ſpoils of his own palaces, and the plunder of his capital, oſtentatiouſly diſplayed before him, the laſt dregs of the cup of inſult, which he had forced on him in the Vatican.

But there are other circumſtances connected with theſe events which, if we conſider, we ſhall find the ſame degrading difference in the parallel between the Popes of Pepin's day and this their ſucceſſor, whoſe cauſe is in your hands. If it were poſſible that what is eſſentially unlawful and unjuſt could, under any circumſtances, become juſt and lawful; if intereſt could ever be pleaded as an argument in favour of robbery; if the eternal principles of right could ever be made to give way to expediency; if the head of any part of the Chriſtian Church could, conſiſtently with his ſacred profeſſion, ſacrifice all that was required of him by his religious character to his temporal aggrandizement, then might Gregory, and Zachary, and Stephen be waſhed white by a leſs expert caſuiſtical Fuller than Dr. Troy. In all the tranſactions between Pepin and his holy accomplices, all the advantages were on the ſide of their Holineſſes. Zachary aſſigned, and Stephen confirmed to Pepin a crown of which he already enjoyed all the eſſential prerogatives, and exerciſed all the inherent rights. Even the odium of putting him in actual and perſonal poſſeſſion of

the object of his ambition had, as you know, been intercepted by the famous Biſhop of Metz; he who for being the mediator that firſt opened this negociation between the Mayor of the Palace and the Pope, and for other eſſential ſervices rendered to the infant power of the Popedom, deſerved the divine honours that have been ſince decreed, and are to this day paid to him. Pepin, on his part, confirmed all the promiſes which he and his father had made to Gregory and Zachary. He bound himſelf to employ all the wealth and power of his kingdom, not only to protect the Church of Saint Peter, but to give for ever to be freely poſſeſſed by St. Peter, and his ſucceſſors, all that he ſhould conquer from the Lombards in Italy. This oath he moſt ſcrupulouſly fulfilled. With a mighty army, which he headed in perſon, he compelled the Lombards, after many bloody victories, to yield up to the Pope the Exarchate of Ravenna, and the Pentapolis, with all the cities, caſtles, and territories thereunto belonging, to be for ever held and poſſeſſed by the Holy Pope Stephen and his ſucceſſors in the Apoſtolic See of St. Peter. Theſe were Princely gifts, however great the ſacrifices were by which they were merited. They laid the foundation of that power, that in proceſs of time raiſed the triple crown above all the principalities and powers of the Chriſtian world. They were the beginnings of the "proudeſt domination," to

borrow the language of Mr. Burke, " that ever was endured on earth, trampling kings and nations under its foot."

But what has Pius the 7th gained by all his facrifices? What is his miſerable concordat? What that abject, degraded, plundered thing, the Roman Catholic Church in France, which the tyrant " at* once protects and ſpoils;"—which, having pillaged it of all it poſſeſſed, he graciouſly engages no more to pillage? What are thoſe mitres ſtripped of all their jewels and precious ſtones? Thoſe Biſhoprics ſpoiled of their eſtates and revenues? What that parochial Clergy, whoſe tythes, once the patrimony of the poor as much as of the Miniſter, have been thrown into the general maſs of confiſcation and rapine, leaving the mere offals of the ſacrifices to the beggarly Prieſts, who, like thoſe of Jereboam, are taken from the *loweſt of the people?* What theſe few Cathedrals and Churches which have eſcaped the general deſolation, profaned by ſo many ſacrilegious abuſes, ſtripped of their ornaments, robbed of their funds, frequented, in Cities, *only* by ſome aged females who weep over their departed ſplendor, and preſenting, no where, except in ſome ſequeſtered country pariſhes, any appearance of a Chriſtian congregation? What, in ſhort, are the territories, what the poſſeſſions which he may himſelf be ſuffered to enjoy, as a patrimony to his See, at the diſcretion of a capricious ty-

* Cowper's Hill.

rant, who makes his religion a ſtalking-horſe to his ambition, and who laughs at the credulity which he renders ſubſervient to his aggrandizement?

I will not puſh the parallel any further, nor will I anticipate what other differences the ſequel may preſent to thoſe who ſhall compare the ſtory of Pius the 7th with that of his predeceſſors, whoſe precedents he follows. I will not pretend to look forward to the laſt act of the piece, or to the exit which the *Maitre de Ballet* may deſign for this holy perſonage, at the concluſion of this grand ſcenical exhibition, in his *Salle de Spectacles* at Paris.

You will remember, Sir, that ſhortly after Stephen's arrival in France, he was ſeized with a dangerous illneſs, from which he was recovered by the miraculous interference of St. Denis, in whoſe Monaſteray he took up his reſidence. Inſulted in this the chief ſeat of his Saintly power—his ſhrine profaned and levelled with the duſt—his altars ſubverted—his images defaced and demoliſhed—the revenues from which his miniſtering attendants were enabled daily to hymn his praiſes in ſacred ſong, and to burn incenſe to his name, ſeized by ſome infidel Sans Culotte, and perverted to the profaneſt uſes—the aſhes of the ſainted and the mighty dead, who repoſed under the tutelary protection, ſcattered to the winds—with all theſe indignities heaped upon him, will this ci-devant Patron of France extend the ſame protection to the friend of the modern Iconoclaſt, the Panegyriſt of the demoliſher of Churches. Through his mi-

raculous interference, and under his protection, Stephen regained his capital in ſafety, and with encreaſed honours. He left it a Biſhop, he returned to it a Prince. Will Pius be ſo fortunate? It is a point which I cannot determine. I am not in the ſecret, whatever you may be, Sir, nor do I know what allowances Saints may make for Saint-makers. I have now completed the taſk I undertook. I have ſtated the charges on which you will have to defend the Pontiff, whoſe power you are deputed to exerciſe, and whoſe perſon you repreſent. It only remains that I ſhould explain to you what have been my principal inducements for giving myſelf and you this trouble.

I cannot but think, that in the conduct of Pius the 7th, in this ſtage of the French revolution, I ſee a chance of recovering the rational and thinking part of the Catholics of Ireland from the infatuation under which they and their anceſtors have laboured for centuries of trouble and confuſion. I think it muſt excite a ſpirit of aſtoniſhment, ſhame and indignation amongſt them, that muſt lead to a more minute enquiry, than they have ever yet ſuffered themſelves to inſtitute, into the origin and nature of the power which they have themſelves ſeen perverted to purpoſes ſo ſubverſive of every moral and religious principle by which the world can be ſuppoſed to be governed, under the law either of Nature, or of the Goſpel. I think it may open their eyes to the difference between *Catholicism* (to uſe the word, although with ſomething like

a blunder, as it excluſively diſtinguiſhes them from Proteſtants, and other Chriſtians in the Eaſt) and Popery, as it is in force amongſt us; and that their religious tenets, that is, their interpretation of the Scriptures on the ſpeculative points of Faith in which they differ from their Proteſtant fellow-ſubjects (ſtanding diſtinct as they do from the encroachments of the Papal power, however it may have ariſen out of ſome of them) are all outraged and diſregarded by the daring and blaſphemous aſſumptions of men indulging their own proſtitute paſſions, and forwarding their own intereſted views, in the name, and by the authority, of the bleſſed Founder of our religion.

In thoſe religious tenets, conſidered in themſelves, I ſee no incentives to animoſity or alienation. I can diſcover no bitter ſtreams of ſtrife and contention, naturally flowing from them. On the contrary, I conceive that ſuch differences of interpretation are perfectly conſiſtent with the moſt unbounded Chriſtian charity. We may each think ourſelves right in our own opinions, but while our conſciences, according to the doctrine of St. Paul, either accuſe or excuſe us to ourſelves, and to our God, that very charity that would make us all wiſh, that all who call upon the name of Chriſt, ſhould be like us, in what we conceive to be the true Faith, will teach us to treat with indulgence and good-will thoſe who are as conſcientiouſly perſuaded as we can be that theirs is that true Faith. *Scimus, et hanc veniam*

petimuſque damuſque viciſſim. But it is to the deadly mixture of Popery, drugged and empoiſoned with ſuch Satanic perſeverance, and ſo inceſſantly infuſed into the conſciences, and the hearts, and the very life-blood of the people of this land, as it has been, and ſtill continues to be, that we are to aſcribe the extinction of every charitable feeling one towards another; all the miſeries that we have ſo long ſuffered as a nation, and that we are yet likely to ſuffer.

I well know the pains that you, Sir, and many of your brethren will take to combat this diſtinction. I well know what you have at ſtake, as your Clergy are now conſtituted and ſupported, in maintaining that no ſuch diſtinction can exiſt. But it is not the leſs founded in truth. Were this the place for it, I could prove it from thoſe records, to which you ſo often refer, in ſupport of the peculiar doctrines of your Church, on the points of religious controverſy between us. Many of theſe doctrines are ſet forth in thoſe records, at periods, in which the powers and prerogatives, now aſſumed and exerciſed in this country by the Biſhop of Rome, to the danger of all civil power, and to the terror of all civil magiſtrates, were never heard or thought of. Theſe doctrines, or at leaſt ſome opinions and expreſſions from which they have been principally deduced, are to be found in the writings of ſome of the fathers of the Latin Church, who never, in their fraternal intercourſe with the Popes of Rome, acknowledged any other ſuperiority than what diſ-

tinguiſhed talents and piety might occaſionally claim from them for every Chriſtian Biſhop with whom they were in communion, or what the See of Rome, as the ancient capital of the empire, poſſeſſed in common with that of Conſtantinople, Alexandria, and other Patriarchal Churches *.

A gentleman who, I believe, is an Engliſhman, whatever pains he may have taken to have the honour of paſſing for a native of this country, with thoſe who facetiouſly aſcribe to us a natural propenſity to blunder, and an habitual confuſion of ideas—a gentleman who writes poſtſcript prefaces, and prefatory poſtſcripts—who to extinguiſh a building in flames ſeizes every firebrand on which he can lay his hand to fling into the conflagration, and treats as fools or knaves all who will not join him in trying this happy experi-

* The Patriarchs of Conſtantinople had aſſumed the title of *univerſal Biſhops*. There is a letter of Gregory the Great to one of thoſe Patriarchs ſtill extant, in which he reprobates the aſſumption of a title, by which he ſays, none of the Apoſtles would ſuffer themſelves to be called, which he brands as *vain, profane, impious, execrable, Anti-Chriſtian, blaſphemous; an arrogant attempt in that Patriarch to ſubject to himſelf all the members of Chriſt*, THE ONLY HEAD OF THE CHURCH UNIVERSAL. This is the language of a Pope famous for never giving up a prerogative of which he found his See poſſeſſed:—yet to *agree to that impious title*, he ſays, *is parting with our faith*—in other words, is heretical. It ſeems, then, that Proteſtants are not the only Heretics in Ireland, according to Gregory the Great.

Once ſince, however, and only once, been ſeen to raiſe its hydra head. Unc countenance which the Roman Catholics re after the Reſtoration, and particularly dur ſhort reign of the ſecond James, and fr violence and rancour of the animoſities rai the excluſion of this martyr of Popery fr Throne, and the attempts of his partiſans ſtore his family, many of its moſt danger nets were propagated by the Jeſuits and ot tainers of the Court of Rome; many of ſtructive principles were reduced to practic the malignant ſpirit was finally laid, by t turning tranquillity of the kingdom, and ſtruction of the hopes of a Popiſh Preten the Throne; and the Catholics of Englanc continued for years to be diſtinguiſhed fo peaceable and loyal demeanor, mixing i ety with their Proteſtant neighbours in th pective claſſes, and ſcarcely to be known the reſt of the King's ſubjects. Conten the free poſſeſſion of the tenets and the turbed exerciſe of the ceremonial of thei gion, and the protection of their lives, ty, and property, they interfere not wi Church eſtabliſhment of the realm, nor wi national religion. They aſſect no regula archy, created by and dependent on the Court, mixing in the Popiſh councils t a regular eſtabliſhed agency for each Arch ceſe, and Dioceſe, in the pay of its Arch

and Biſhop, daily and unremittingly ſoliciting for promotions and tranſlations at the foot of the Papal throne*; conſulting with the apoſtolic chamber in all their concerns, and regularly receiving its inſtructions, and injunctions, its bulls, its ſentences, and its interdicts; erecting tribunals unknown to the laws of the land, and from which all decrees are iſſued in the name, and by the authority of the Pope; granting diſpenſations, and licenſes for marriage; pronouncing ſentences of divorce *a menſa et thoro*; interfering in the teſtimentary diſpoſal of property, and decreeing the legitimacy of children born before wedlock, according to Civil Law, and in open contempt of the Law of the land; inflicting eccleſiaſtical puniſhments, and executing ſentences of excommunication in all their former terrors, diſdaining the neceſſity of applying to the civil power to enforce them, as muſt be done in the eſtabliſhed Church, but arbitrarily depriving the excommunicated perſons of every means of procuring their livelihood, in as much as thus blaſted by the thunders of the Church, they are excluded *ab aqua et igni*; none dare employ; none dare harbour, aſſociate or hold any intercourſe whatever with them.

* Doctor Troy, in his famous Paſtoral Letter of 1793, ſays, that the religious concerns of Ireland are regulated by a College of Cardinals at Rome.

They maintain no parochial Clergy, acting in the moſt ſubmiſſive obedience to this ſuperior order; combined with them in one general methodiſed ſyſtem of proſelytiſm and encroachment on the eſtabliſhed Church, and of unceaſing oppoſition and hoſtility againſt its teachers, and eſtimating their merit, and pleading their pretenſions to the rewards of Heaven, and the favour of their ſuperiors, in proportion to the numbers they ſeduce from thoſe teachers, to join their own fold.

They are diſturbed by no intriguing turbulent Vicar Apoſtolic, who publiſhes to the nation manifeſtos of treaſon and oppoſition to the government *; who excites the King's troops to inſubordination and mutiny, under pretence of religion; who fulminates the thunders of excommunication againſt the moſt diſtant intercourſe with their Proteſtant fellow-ſubjects, in the education of their youth, in the improvement of the public morals, in the encouragement of a charitable ſpirit of mutual indulgence, in reciprocation of liberality, an unqualified interchange of kindneſs and good will; and who vociferating for liberality, and an abolition of all diſtinctions, builds up a ſpiritual wall of ſeperation, lined with all the artillery of the Church, that from every avenue vomit their tremendous fire, and effectually defeats every wiſe purpoſe the Legiſlature had in view, when it levelled the political wall of ſeparation by the abolition of

* See Huſſey's Paſtoral Addreſs.

all the penal laws that affect that part of the community among whom theſe abuſes a:e chiefly practiſed.

They do not form, in the heart of the kingdom, a body of diſcontent, and diſaffection, and hatred, to which every foreign enemy, every domeſtic incendiary, of any or no religion, is encouraged to look, with certainty, for aſſiſtance and co-operation in every hoſtile attempt againſt the government, the laws, the exiſtence of the nation; and who, on every alarm to ſedition, rebellion, or invaſion, crowd to the ſtandard that holds out to them the proſpect of rioting in the blood and the property of the reſt of the inhabitants.

Such are not the Catholics of England—ſuch are not the Peters, the Throckmortons, the Stapletons, the Vavaſours; ſuch are not the peaceable and induſtrious farmers, tradeſmen, and labourers that ſurround the ſeats of theſe ancient families, and thoſe of the other Catholic gentry, to enjoy the exerciſe of their religion in their domeſtic Chapels, and to receive the comforts of their ſacraments, and the rites of their Church, from the hands of their worthy, unintriguing, retired Chaplains and Miniſters

They were the tenets, the principles, the conduct of theſe Engliſh Catholics that Lord Redeſdale, from his perſonal knowledge and experience of them, approved. They were the immunities, and the intereſts of theſe Catholics, which he ſtood forward to enlarge and promote. To ſuch Catho-

lics he wiſhed to ſhow every indulgence, but what the fundamental laws of the land muſt withhold from them, as long as it ſhall be their choice to ſacrifice ſomewhat of political power and conſequence, rather than conform to the national religion; and in the choice they are ſatisfied and grateful.

And is Lord Redeſdale to be charged with inconſiſtency, becauſe he does not profeſs himſelf to be the ſame advocate for the Papiſts in Ireland as for the Ca holics in England? Is he to be upbraided with the precipitancy and heat of a recent proſelyte, becauſe he expreſſes his conviction that the opinions that conſtitute, not Catholiciſm, as he ſaw it in England, but Popery, as he found it in Ireland, are inconſiſtent with the repoſe of mankind? What a tide of hiſtorians could I not let in to prove, that wherever Popery raiſed its ominous ſtandard, as it has unfortunately done in this country, there was no repoſe for man? What teſtimonies could I not produce from Catholic writers, confirming from the miſeries and ſufferings of their own times, the repreſentations made by the hiſtorians of the age of Pope Hildebrand, all of them Catholics, when all Europe was convulſed by the ſtruggles of that ambitious Pontiff to eſtabliſh his ſpiritual and temporal uſurpations? Never, according to theſe hiſtorians, " was known ſo diſmal an age " as that was for wars and bloodſhed, for mur- " ders and parricides, for ſeditions and conſpi- " racies, for horribe ſchiſms, and ſcandals to

" religion; the Prieſts oppoſing the Biſhops, the " People the Prieſts, and in ſome places not " only robbing the Churches and burning the " tythes, but trampling under foot the Holy " Euchariſt that had been conſecrated by ſuch as " Pope Hildebrand had conſecrated *." If they do theſe things in the green tree, what ſhall be done in the dry? If ſuch miſeries have been inflicted on Catholics contending againſt the uſurpations of the Court of Rome, and the domineering ſpirit of Popery, what have not Heretics to dread from it?—And yet Mr. Plowden cannot conceive how Lord Redeſdale could confound the idea of rebellion and the See of Rome; or of diſaffection to the Civil Magiſtrate, and allegiance to the Pope. " His Lordſhip did not " ſeem to confound thoſe ideas in England, yet " (ſays Mr. Plowden) the Catholic Church is the " ſame, whether in England or Ireland." In this alſo he agrees with what Lord Fingall is made to ſay in his correſpondence with Lord Redeſdale, except that Lord Fingall carries it to a greater extent, and ſays that the Catholic Religion is the ſame every where.

If I could adopt the ſcurrilous language of Mr. Plowden, I would ſay that they who make ſuch aſſertions, make them—" knowing them to be

* Aventin. Annal. Sigeberte chronie. ad A. D. 1074. Even Father Daniel acknowledges that in the numberleſs rebellions excited by this Pope againſt the different Princes of his day, torrents of blood were ſhed, and that Italy and Germany were utterly deſolated.

falſe and groundleſs." Do the Gallican Church, and the Roman Catholic Church and Italy agree in all things? Are they a this doctrine of the Pope's ſupremacy? A no opinions embraced by the one that claimed by the other? Have the Canons the General Council of Trent been equ ceived by the whole Roman Catholic (Are there not Dioceſes even in Irelan they are admitted as ſo many articles to be received under pain of damnati others in which they are rejected? In t article of the immaculate Conception, opinions of your order * and thoſe of minicans the ſame? How have the walls reſpective Convents been ſhaken by the of controverſy on this momentous q What anathemas have you not fulminate each other in this polemic tempeſt?

Set theſe gentlemen right, Rev. S know that you can do it without much you can ſhow them how dexterouſly a caſuiſt may admit the facts which they de yet draw the ſame concluſion from his a that they draw from their denial. I n doubt but you will contrive it in ſome other. You will make it clearly appear thing may be the ſame and yet different to a true ſon of the Church of Rome ag and diſagreement may be ſynonymous ter oppoſition to every thing I have advan

* Doctor Troy is a Franciſcan friar.

will prove, by irrefragable arguments, that a man cannot be a Catholic without being a Papiſt, or a Papiſt without being a Catholic; and thus you will have to congratulate yourſelf, on rendering the glorious ſervice to your country, of depriving it of all hope of ever ſeeing an end to her diſſentions, and the miſeries that flow from them; for never, never ſhall that unhappy country know peace while you and your brethren preach to the great body of Catholics, the doctrine of the Pope's unlimited ſupremacy; and of implicit obedience to the See of Rome, as you now preach it *. Your reſerves and your ſophiſms; your diſtinction of ſupremacy in ſpirituals and ſupremacy in temporals are worn threadbare. However you may reconcile yourſelf to the deception, you muſt yourſelf laugh at ſuch a diſtinction while you preach it; and if the fallacy of the diſtinction, and the conviction of its fallacy, proved ſo often by the conduct of the great bulk of the Roman Catholics of Ireland, were not written in the blood of my countrymen, I ſhould join in the laugh at ſuch mummery.

Am I to tell you, Sir, in what way this queſtion

* Doctor Troy, in his Paſtoral Letter of 1793, ſays—"The Church is infallible in her doctrinal deciſions and canons, on points of faith and morals; and therefore the Catholics are obliged to adhere implicity to ſuch decrees and canons of the Church, aſſembled in general Council, and confirmed by the Pope, as rules of faith." Theſe general Councils inculcate, as a religious duty, the depoſition and murder of heretical Sovereigns, the nullity of oaths of allegiance to ſuch, and the extirpation of heretics.

has been at all times argued in the ſchools, in which you have received your education? Are you to learn from me that in theſe ſchools it is, to this day, uniformly maintained and taught, "that "the authority claimed by the Pope is that of "being univerſal Paſtor over the Catholic Church; "that by virtue of this character, not only ſpiri- "tual direction in matters of Faith, but an ac- "tual direction over all the members of it doth "belong unto him; for that otherwiſe the go- "vernment of the Church is imperfect and inſuf- "ficient for its end. Princes may eaſily over- "throw the Unity of the Church by favouring "Heretics, if they be not in ſubjection to the "Pope, as to their temporal concernments; be- "cauſe it may happen that they have a regard to "no other but theſe. If it were not therefore, in "the Pope's power to depoſe Princes, and ab- "ſolve Subjects from their allegiance, when they "oppoſe the Unity of the Church, his power is "an inſignificant title, and cannot accompliſh "the end for which it was deſigned." Beſides, "Every Paſtor muſt have a threefold power to "defend his flock: a power over wolves to keep "them from deſtroying the ſheep, a power over "the rams that they do not hurt them, and a "power over the ſheep to give them convenient "food. Now if a prince of a ſheep turn a ram "or a wolf, muſt he not have power to drive "him away, and to keep the people from fol- "lowing him?"

Am I to tell you, that it is thus Bellarmine argues from the words PASCE OVES? Are you to learn from me, that this is the current doctrine reſpecting the Pope's authority in the court of Rome at this day, as well as in your ſchools of divinity? Or, will you come forward, and by a public declaration, atteſted and promulgated under your archiepiſcopal ſeal and ſignature, aſſert, that it is not your doctrine? In your private communications with a high-ſpirited nobleman, terrified from the loyalty of his feelings, at the conſequences that muſt reſult from ſuch doctrines, and the part it might impoſe upon him to take, in the hour of danger to his king and country, you may mince the matter; you may tell him, with Mr. Plowden, that the character of the chriſtian, and that of the ſubject, are not to be confounded; meaning, I ſuppoſe, if this rant is deſigned to convey any meaning, that where the duties of the Romiſh Catholic and the ſubject interfere, the allegiance of the ſubject is to be the directing principle of conduct, and not the creed of the Romiſh Catholic; you may tell him that, in conformity to this doctrine, "Roman Catholic "loyalty and allegiance would oblige him to re-"pel" (for ſo, his lordſhip ſays, he is taught to think) "even the head of the *See* of Rome, were "it poſſible to ſuppoſe that the Uſurper, who "now diſturbs the peace of the world, could "ſend him here with his invading army."

Lord Fingall, I am convinced, perſuades himſelf that ſuch are the opinions of his metropolitan; Doctor Moylan may maintain thoſe opinions conſcientiouſly—may promulgate them publicly, without equivocation or mental reſervation, may act up to them at every hazard; but for you, Sir, alas! were you to publiſh ſuch doctrines, in the way I propoſe, as *your own* rule of faith, in this matter; were you to publiſh them as the rule of faith you would enjoin to the clergy of your archiepiſcopal dioceſe, to maintain as well in theory, and in their exhortations, public and private, from the altar, and in the confeſſion box, as in their own conduct and example; were you ſo to publiſh them, as the rule of faith which you and they would enforce among your flocks, with the ſame ſanctions, the ſame penalties, the ſame terrors, as you would enforce the ſacred and paramount duties of abſtaining from all communion with hereticks, of believing that the Roman Catholic Church is the only *Ark of Salvation**, out of which all muſt periſh; that the blood of the Redeemer flowed only for the true ſons of the Church of Rome;—that is, only for thoſe who believe that there is another name as well as that of Jeſus, which we muſt have faith in, or we cannot be ſaved; that to aſſiſt at the public ſervice of thoſe who are out of her pale, or at their family prayers, or to receive any *moral* or religious inſtruction from them, or to frequent their ſchools, to be educated with the Proteſtant youth,

* See the Pope's Allocution.

are mortal ſins; ſins of a deeper dye than thoſe forbidden by the decalogue, in as much as they can only he pardoned in the confeſſional, by thoſe who have received from his Holineſs the power of the "reſerved caſes," while the others are open to abſolution by every common prieſt; were you, I ſay, to publiſh and inculcate thoſe doctrines of reſiſtance to the Pope in this way, the ſuperior of your order would unfrock you; his Holineſs would tear the mitre from your head. Indeed, Sir, you muſt excuſe me, I do not think you prepared to make ſuch ſacrifices to theſe ſuppoſed newly adopted doctrines of the Hiberno-papiſtic Church. At all events you will agree with me, that you would be placed in a very awkward dilemma—ſtanding, the Hercules of Popery, not between two, but three candidates for your choice; how could you decide? In the triple allegiance, you have ſworn allegiance to the ſuperior of your order—allegiance to the Pope—and allegiance to the King; you will allow, that there may be the obligation of two oaths to one againſt his Majeſty. Such a colliſion of oaths is far from being out of the power of chance. The event that Lord Fingall ſuppoſes to be impoſſible, may, from what we have ſeen, be very poſſible. Why ſhould not "the Uſurper "ſend the Holy Father into this country, at the "head of his invading army," as well as drag him from his capital to Paris, if menaces and force, and the dread of loſing the patrimony of St. Peter, and ſeeing himſelf ſtript of all authority,

is to be the only rule of his Holineſs's condu
Or, ſhould this be a taſk too oppreſſive for
age and infirmities, may not the croſs borne
fore his Holineſs be committed to the Uſurp
ſtandard bearers, and carried in triumph be
his invading army; may it not make the w
iſland reſound with "*in hoc ſigno vince*?" I
not his Holineſs conſecrate the *Labarum* that
bring greetings and peace, and deliverance t
dear children in Chriſt, the harraſſed and p
cuted Roman Catholics of Ireland? May he
ſend his repreſentative, ſome ſucceſſor to
place,—but with powers which no one can ſu
you of undertaking to execute,—as he form
ſent his legate, to foment treaſon and rebellio
a Catholic parliament; to regulate all the m
ments of the Catholic armies; to direct their
nerals; and, having nothing in view but the i
reſts and glory of the Holy See, and of
mighty protector, Napoleon, to counteract all
the Plunkets and the Preſtons, the Fingalls
the Gormanſtowns, lords of the Pale, and
Mountgarrets and the Glamorgans, can deviſe
execute in favor of their country? *

The Uſurper! To whom does that name n
apply? The man that was lately branded w
the foul appellation, is now the Holy Fathe
dear ſon in Jeſus Chriſt. He is the anointed a
conſecrated protector of the Holy Catholic a
Apoſtolic Church. He is the pious † and re

* See the proceedings of the parliament held at Kilker
and the conduct of the Pope's Nuncio at that period in Ca

† See the Allocution.

gious *Prince*, who has put forth all his high power and authority to cauſe the Catholic religion to be freely profeſſed, and publicly exerciſed in France. He has ſhewn the greateſt anxiety for increaſing the proſperity of that religion over the whole face of the earth. For this we have the poſitive aſſurance, the public declaration of the Holy Father himſelf. Be cautious, therefore, how far, Sir, you may commit yourſelf with this tremendous authority. Be not too forward to ſupport the opinions you have hitherto promulgated relative to this infidel, this oppreſſor and plunderer of the Holy See,—this perſecutor of Pius the Sixth. Theſe opinions will not ſuit the new order of things, now that the Co.ſican is metamorphoſed into the eldeſt ſon of the Church; now, that all the titles and prerogatives of St. Louis have been transferred to him, together with the crown of that Holy King, by him who has the power on earth to ſet up and pull down kings; now that the pious ſpirit of this ſainted prince has, through the inſpiration of the Holy Ghoſt, been infuſed into him, with the character of the champion of the Catholic Faith,—the terror of infidels *.

You ſee, Sir, I act fairly with you, and, like a generous adverſary, I candidly pointed out to you your danger; but the ſame candor compels me to ſay, that I do not expect the ſame conduct from you that I would from Lord Fingall, ſhould the

* St. Louis's campaign *in Egypt*, and his death there, with the croſs in his hand, muſt be kept in the back ground.

danger be brought home to you. Not that I have the honor of being acquainted with that nobleman; an honor of which, from every thing I hear of him, every honeſt, and honorable, and loyal ſubject, ought to be ambitious. He enjoys a proud diſtinction. Never was a man placed in ſuch a claſh of religious and political animoſities, to whom all ſects and denominations agree in paying ſo chearful a tribute of eſteem and approbation. I am told, and I am ready to believe it, that they who do him leaſt juſtice, are the bigotted and violent of his own perſuaſion. But the more worthy and amiable the character of this nobleman is allowed to be, the more every generous mind muſt feel for the ſituation to which, in the poſſible rotation of events, he may be reduced. His lordſhip, and the principal Roman Catholic noblemen and gentlemen who generally agree with him, have already had pretty ſtrong ſpecimens of the inefficacy of all their exertions to ſtem the torrent of civil diſaffection, uniting with the prejudices and the ignorance of the lower orders of our inhabitants. They cannot have forgotten the proceedings of the Back-lane committee, when it admitted the fomenters of that diſaffection into its councils; you, Sir, cannot have forgotten ſome of their proceedings, with reſpect to yourſelf and your clergy.

It is poſſible that the leſſon may be repeated; it is poſſible that his lordſhip may be placed in circumſtances, requiring him *practically* to deſtinguiſh between the ſpiritual power of the Pope,

which he is bound to ſupport, and his temporal power, which he is told he may and ought to reſiſt. While you ſpeculate and refine, and ſplit, and diſtinguiſh, lord Fingall will act;—he will be in the field with all the brave and all the loyal. Suppoſing then for a moment, that, in the events of war, the Holy Father commanding "the Uſurper's invading army," (his own ſuppoſition) ſhould come acroſs his lordſhip in ſome action, equally honorable to him as the hill of Tarah, "clad in complete ſteel," with his vizor down, and having depicted on his head-piece (as we have ſeen on maſks at a maſquerade) a double face, the face of his Holineſs on the one ſide, and the face of the Uſurper's general on the other,—would it not puzzle his lordſhip how he ſhould pierce the one with his loyal faulchion, and not be guilty of the ſacrilege of drawing hallowed blood through the other? How inſtantaneouſly muſt he check the noble ſpirit that hurries him thro' the ranks animating the royal forces by his voice and by his example, as at Tara, to ſettle in his mind by what conduct he is to diſtinguiſh the repreſentative of his Redeemer, before whom he ſhould fall on his knee in humble adoration, from the enemy of his king and his country, whom he is bound by his allegiance to deſtroy! With the Duke, in the Comedy of Errors, muſt he not aſk, "which is the natural "man, and which the ſpirit? Who deciphers "them?" While the one maſk anſwers, "I, Sir, I "am Dromio; command him away. "The other, "I, Sir, am Dromio; pray, let me ſtay." I will

ſuppoſe, however, that his lordſhip, and men like his lordſhip, might, at leaſt practically, decipher the natural man from the ſpiritual, and make this diſtinction between two characters in the ſame perſon; but is he ſo little acquainted with the middling and lower orders of his own religious denominations in this country, as to think *them* capable of making ſuch abſtract diſtinctions, or of being influenced in their conduct by ſuch refined ſpeculations? Are we to increaſe the number of Swift's iſlands, and to become a people of metaphyſicians? In your excluſive doctrine, under the anathema you pronounce againſt all who are placed out of the myſtic circle, which you have traced round the Chriſtian rites with your "*Procul, O Procul eſte profani*;" under all your incantations, and "*mutters*" of imprecations", as terrible to weak minds, and as repulſive to all but the elect, as thoſe that wrapped the Eluſinian myſteries in awful ſecluſion to all but the initiated, will the populace of this country become ſuch nice calculators, ſuch expert weigh-maſters, as to ſet ſo much ſocial benevolence and union in the ſcale, againſt ſo much religious hatred and deteſtation? ſo much malignity againſt the abhorred of God, the excommunicated of grace, and ſo much attachment and good-will to the fellow-ſubject and the neighbour? "Can love and "hatred in one breaſt reſide?" Can they love in the fleſh, and hate in the ſpirit? Can they be ſo expert in the art of adjuſting metaphyſical proportions, as to draw the exact line between the abo-

mination, in which they are taught to hold an heretical Church, and their allegiance to the heretical head of that church? Between what they owe to the Pope whom they are taught to adore as their father and protector, and to whatsoever mighty prince he may associate in his paternal care of them, and their duty to the king who with such indefatigable pains, is represented to them as their oppressor and persecutor? Whose life they are told is the only bar to their emancipation,—that all-potent charm, that is to chase away all complaining from their streets, and restore the golden age of their fathers, when all was peace and happiness in the land? Through what optics will their *artifices officiorum*, the manufacturers of their duties teach them to distinguish defection from the see of Rome, to which they are instructed to look as to the throne of God, to which they think they owe a fealty paramount to every earthly obligation, from Rebellion in the Prince, who is guilty of that defection, and renounces that fealty? Or what allegiance can they retain for a rebel to their liege lord, attainted of a treason, of which should they be themselves guilty, they must not only forfeit all their spiritual rites as christians, but also be cut off from all intercourse with Christian society, and sent out into the wild world of heresy by a sentence of excommunication, under which it becomes a participation of guilt to supply the culprit even with the necessaries of life? As well might we expect that a Jew would pay any other

than a forced allegiance to a Gentile, or that, in his expectation of the Meſſiah, he would cordially, from his conſcience, transfer his fealty to an uncircumciſed king. If, contrary to every thing I have learned to conceive of his diſcernment, and of his knowledge of his native country, Lord Fingall can believe all this in theory, let him revert to experience. In his letter to Lord Redeſdale, he expreſſes his ſorrow, that any of his communion ſhould have been found to act in violation of the doctrine, which the heads of his Church are prepared to prove to be the doctrine of the Catholic Church in Ireland. I will appeal to his *candor*, if, from what he has ſeen, he has not reaſon to apprehend that, on a ſimilar encouragement to that which was held out by the late rebellion, theſe numbers would not be diminiſhed. I would leave it to his *prudence* to determine with himſelf, what part his high mind, his loyalty, and his gallantry will compel him to act, ſhould he find that the changes that have taken place ſince that period, ſhould induce thoſe heads of his church to preach another doctrine. Sir, I ſhould feel for him, indeed, when he found himſelf ſo deceived. He would not ſurvive the diſcovery. He would make the only atonement he could make to his King and his country, for having ſuffered himſelf to be deceived by ſcioliſts and caſuiſts, friars and beadſmen, with all the antiquated lore of their claſſes and ſchools of theology, ſtill filled with the wretched jargon of the 11th and 12th centuries.

Sir, if I were in habits of intimacy with this noble Lord, I would conjure him to labor to avert the evil before it be too late. I would conjure him, candidly and impartially, and as in an inveſtigation that involves all that is moſt dear to him in life, to ſee what that accurſed thing is that keeps peace from our habitations,—that defeats every attempt to unite us into one people,—that terrifies that part of the nation, in which the political power reſides, from ſharing it with thoſe who, from their numbers and their property, might be ſuppoſed to be juſtly entitled to it. He will find, that it is not from the dread of any ſpeculative opinions, any arbitrary interpretations of thoſe parts of the ſacred writings, which are the ſubject of religious controverſy between the reformers and the church, from the communion of which they have withdrawn themſelves. The Proteſtant Diſſenters differ from us as eſſentially as the Catholics on many points, as well of faith as of diſcipline, yet we ſtand in no ſuch terror of them. It is long ſince, in this part of the United Kingdom, we ceaſed to require any religious teſt of them, as the condition of admitting them into a full participation of our glorious conſtitution. It is not, therefore, the religion of the Roman Catholics, abſtractedly conſidered, that we dread; they are doctrines that have been engrafted on it, or that have been extracted from ſome of its tenets, of obvious noxiouſneſs to all civil government. It is the terror of that power that connected itſelf with the Weſ-

tern Church in the ages of confuſion and diſorder, producing univerſal ignorance, that ſeized upon every doctrine that had crept into the Church, which promiſed to be an auxiliary to the tyranny it propoſed to eſtabliſh over the conſcience in all matters of religion, daily adding to their number, and marking every ſtep it made towards this ſpiritual domination, by ſome encroachment on the civil authority;* that power that entailed more miſery on Europe, excited more dreadful feuds, cauſed more bloody and exterminating wars than ambition, under any other form, ever gave birth to; and which, if it has been thus baneful in countries profeſſing, in every other particular, the Catholic Faith, muſt, as I have already obſerved, riſe into tenfold terrors, where the government and the people are branded as heretical, and as enemies to the Vicegerent of God.

When the Noble Lord has got thus far, let him turn his thoughts to the only remedy of the evil, if yet there be a remedy for it, ſhort of a more dreadful convulſion than our unhappy diviſions have yet produced. Let him raiſe a ſtandard to which may reſort all of his own rank, all who have a permanent ſtake in the country—all who ſee the properties and the happineſs of their families floating at the mercy of a tempeſtuous ſea, that threatens to overwhelm them with every

* See the account of the ſtate of Italy and Germany in Pope Hildebrand's days, already mentioned.

breath of wind that blows on our ſhores; all who *really* wiſh to be admitted into a full and unlimited participation in the Britiſh Conſtitution, becauſe they know how to appreciate its advantages; becauſe that in it they find ſecurity of perſon, ſecurity of property, genuine and rightly underſtood liberty,—an equipoiſe of power reſulting from the free enjoyment of their reſpective rights in the ſeveral orders of the ſtate, and operating to the protection and ſafety of them all, beyond what any other country ever poſſeſſed. Let them call upon you, Sir, and the other Biſhops of your Church, with their clergy, to join this ſtandard. Acting in uniſon with them, and having the approbation of the government to legalize your proceedings, aſſemble a national ſynod. You have numberleſs precedents for reſorting to ſuch a meaſure, in what you would call the beſt days of the church, without any previous reference to the Pope. There let it be diſcuſſed in what way you may model your church, to ſuit the exiſting circumſtances of the country in which it is placed, without touching on any of the fundamental articles of your religious creed. See how you can bring it into contact with the government of the country, ſo as to ſupport it at once, and to be protected by it, conformable to the principles and ſpirit of genuine Chriſtianity, wherever it has been eſtabliſhed.

There let it be diſcuſſed in what way the appointment of your Archbiſhops and Biſhops may be brought as near as poſſible to the prac-

rice of the Church of England, when it was yet Catholic, and to the declaration of the Legiſlature in the reign of King Edward the Third,— "That the Cong-' d'Elire, the election in the "Chapter, had been originally granted by the "King's progenitors, upon condition that they "ſhould have firſt aſked leave of the King to "chooſe; and after the election, alſo requeſted "his aſſent, previous to the perſon's being pre-"ſented for conſecration."

They trifle with our underſtanding who tell us that this cannot be done, where the prince is not a Roman Catholic. I will paſs over the inſulting aſſumption ſo incompatible with the liberal cant taken up by your lay apologiſt, that any interference in the ſupreme head of the State, being a Proteſtant, would be pollution and deſecration, and a chaſing away of the Holy Ghoſt. Sir, it is not underſtood that the King ſhould take any *ſpiritual* part in theſe appointments. Strictly ſpeaking, he takes no ſpiritual part in the ſucceſſion to Biſhopricks, as ſupreme head of the eſtabliſhed church.

The inveſtitures, the poſſeſſion of the temporalities, he gives *per ſceptrum* in virtue of his regal authority, in oppoſition to the encroachments of the Papal See in giving them, together with the ſpiritual character and privileges, independent of the King, per *annulum et baculum*. But the power of conſecrating, of imparting the epiſcopal character by the impoſition of hands, and in the manner preſcribed in the ſcriptures, or

derived from the apoſtolical practice,—although the power to exerciſe it emanates from his authority, and cannot be exerciſed but by his authority, is excluſively veſted in the ſucceſſors of thoſe to whom the Divine Founder of our religion gave the commiſſion, to perpetuate a ſucceſſion of the divers orders of miniſters in his church to the end of time. This ſucceſſion, or the ſpiritual power and authority conveyed by it, we do not diſpute with you; what we object to, and wiſh to ſee altered, is the exerciſe of that power, independent of all interference or permiſſion from the ſupreme civil magiſtrate, and altogether in right of another authority, aſſuming to itſelf the ſole power, as well of nomination as conſecration, and thereby forming to itſelf, in the very heart of his majeſty's dominions, a moſt powerful body of men, kept up by a perpetual ſucceſſion, who owe their important ſituation, and the influence it gives them, to a foreign, and generally an hoſtile power, and who hold that ſituation, and exerciſe that influence, where it may operate moſt dangerouſly to the ſtate, independent of the crown, and of the fundamental laws of the land. I will venture to aſſert, that in no well conſtituted country, poſſeſſing the energy neceſſary to the great and ſalutary purpoſes of all governments, and where religion acts ſo powerfully, either in preſerving or diſturbing the public tranquillity, would ſuch a ſyſtem be tolerated. The tyrant who has ſubjugated Europe, and whom the holy father acknowledges as arbiter of the

ſpiritual, while his own ſword has ſecured to him the temporal power throughout the whole extent of the French territories, would not tolerate it there for a day.

It is not tolerated in Holland—it is not tolerated in Pruſſia; and in both theſe proteſtant countries, you have a precedent for reconciling your religious principles, in this inſtance, with the ſubordination you owe to the ſtate in which you live.

In this national ſynod let it be arranged in what manner the whole body of your clergy may be equally connected with the government and the country; how they may be brought within the circle of its influence, ſo as to co-operate with it in promoting religion and morals among the people, while, under its protection, they freely exerciſe their ſpiritual functions, without claſhing with the intereſts of the national Church, and without any rivalſhip with its miniſters in the diſcharge of their duty to their reſpective flocks.

There let it be diſcuſſed and ſettled in what manner the regulations of the ſtatutes of *proviſors* and *premunire* may be preſerved from encroachments, and all ſolicitations, all appeals to the court of Rome,—all ſentences, bulls, and inſtruments from thence may be prevented, unleſs ſubjected to the inſpection of ſuch perſons as ſhall be authoriſed by the government, and who ſhall be obliged to give an official account to the government, of their objects and their contents; at the ſame time that no agent ſhall be employed in the

court of Rome, without an expreſs licenſe from the King, appointing him ſpecifically.

There let it be conſidered in what way the ſpiritual diſcipline of your church may be maintained and enforced, without erecting tribunals that are unknown to the laws of the land, without eſtabliſhing juriſdictions that derive all their authority from the court of Rome, that operate as a government within a government, and upon the principles of a law that has never, in any time, Catholic or Proteſtant, been recognized as law in England, that, in caſes of excommunication, act in direct violation of the ſpirit of the conſtitution, and with a power of enforcing the ſentences, denied to the eccleſiaſtical courts of the eſtabliſhed church, infringing on the perſonal rights of the ſubject, and oppreſſing him in his reputation, in his property, in the means of procuring his livelihood, by arbitrary proceedings, and by an exerciſe of ſpiritual tyranny, that is a diſgrace to any free land.

There let it be diſcuſſed in what manner the ſplendid eſtabliſhment formed by an enlightened and generous legiſlature for the ſupply of your clergy, ſhall be rendered ſubſervient to all its wiſe and ſalutary purpoſes, inſtead of forming a ſeminary for perpetuating that alienation, that hatred and that animoſity againſt his Majeſty's Proteſtant ſubjects, which it was the great object of the gloomy Philip, to foment and to cheriſh when he eſtabliſhed ſeminaries for the Iriſh miſſion throughout all his realms, which was the object

chiefly purſued in theſe ſeminaries as long as the [illegible] received ſtudents from this country; too faithfully anſwering the intentions of this ſworn enemy to the Britiſh nation. Let means be provided to baniſh from the walls of this great national inſtitution, (in itſelf a ſplendid proof of enlightened liberality) a ſyſtem of education that bears every feature of its barbarous and ignorant origin; enveloping the heads and minds of its theological and ethic ſtudents in all the miſts and vapours of the darkeſt ages of the Church, and impenetrable to every ray of improvement from the diſcoveries and the experience of progreſſive ages.—Let it not be ſuffered to ſearch for its theological profeſſors and ethic teachers, among the natives of a foreign country, who, to ſay the leaſt of them, can feel no attachment to the conſtitution, the laws, or the intereſts of this country,—nor among the ſchoolmates and intimates of the apoſtate clergy who have now ranged themſelves under the ſtandard of Bonaparte, and with whom theſe profeſſors and teachers maintain a conſtant intercourſe of profeſſional, religious, and political communication. Let no doctrines be taught in thoſe ſchools, but in ſome ſuch manner as was preſcribed under the old regime in France, requiring each profeſſor to ſubmit his courſe of lectures to a cenſor, (he might be of your own perſuaſion) approved by the government, and anſwerable for the doctrines he reviſes,—anſwerable that they ſhall inculcate nothing repugnant to the conſtitution, or the fundamental laws of the country, or that

can have a tendency to ſubvert or alter the pre-
ſent eſtabliſhment.—Laſtly, let this inſtitution be
confined to its original object, that of furniſhing
your Church with a perpetual ſupply of religious,
moral and learned clergy, untainted by any politi-
cal prejudices againſt the government of their na-
tive country, and adding to the character of wor-
thy miniſters of the goſpel, that of loyal ſubjects
to the ſtate. Let no excreſcence attach to it, ſuch
as has been connived at in the eſtabliſhment of a
ſchool for the ſeparate education of the Catholic
youth, on the principle of that moſt pernicious
doctrine, firſt taught and enforced by the turbu-
lent Huſſey, and in furtherance of the moſt fatal
device that the bittereſt enemy of this country
could in his malignant ingenuity have deviſed,
for keeping up for ever two diſtinct deſcriptions
of citizens,—a conſtant ſucceſſion of Eſaus and
Jacobs, bound to each other, by none of the en-
dearing ties that unite men moſt cloſely together
from the connexions and the intimacies of early
life, but alienated and eſtranged, I may ſay, from
the very cradle,—from the firſt feeling of nature,
the firſt dawn of reaſon.

We are told that your emancipation, as it is
termed, is to become a ſubject of immediate diſ-
cuſſion in the Imperial parliament. Prudently
and wiſely managed, the meaſure has my beſt
wiſhes; but the miniſter who ſhall daſh into this
momentous queſtion, without having firſt acquir-
ed a full and competent knowledge of all the
important ſubjects it embraces,—without having

previouſly adjuſted all the points, which I have here curſorily run through, with others of equal importance; on which he might gain information from men of local experience, equal to the taſk, without previouſly enſuring a ſolemn conſecration of the whole Catholic body, clergy as well as laity, to that conſtitution into which it is propoſed to infuſe the whole maſs of this deſcription of his majeſty's ſubjects, in ſome ſuch manner as I have propoſed, without fencing and ſecuring by every ſanction that is held moſt ſacred and binding in ſociety, the national religion and the national eſtabliſhment, forming as they do an integral part of that conſtitution, and identified with it in ſuch a manner as never to be ſeparated from it, even in Mr. Burke's opinion, without looſening the whole fabric, and without riſking its utter diſſolution,—that miniſter will deſerve, that miniſter will one day be loaded with the execration of every true Britiſh ſubject. He will only open new ſources of diſcontent and diſaffection; he will only widen the breaches he propoſes to build up. It is not that he will "only Scotch the Snake" he will give food to its venom;—he will bring it out to the ſun, to caſt off its winter ſlough, and with renovated ſtrength, and a loftier creſt, ſpread freſh terrors through this ill-fated land. On the other hand, the miniſter who with theſe prudent and ſalutary precautions, this *Concordat* with the King's government entered into by all the Roman Catholic clergy, and approved and ſanctioned by the leaders of the Catholic

laity, ſhall finally aboliſh thoſe civil diſtinctions and excluſions, which a ſtern neceſſity, and an inſtinctive principle of ſelf-preſervation, and not any perverted ſpirit of religion firſt created, may boaſt while he lives, and have it engraved on his tomb when he dies, that he ſaved his country.

Such a *Concordat* would have received the ſanction even of the Holy See, had there been wiſdom enough in all the parties that were neceſſary to its formation, to have adopted and puſhed ſuch a meaſure to its concluſion, during the Pontificate of Pius the Sixth.—The exiſting circumſtances of that Pontiff's reign would have rendered it neceſſary to the intereſt of the Holy See, and *that* all deciding maxim would have enſured its ſucceſs.

At preſent, circumſtances are changed. A new order of things has ſucceeded; other neceſſities have been created; other protectors ſecured, at every price and by every ſacrifice, than when misfortune and the tyranny of Bonaparte compelled the Roman Pontiff "to bend towards that "power, by which ſome of the moſt important "pretenſions of his See are rejected." However devious from what appeared to be the ſettled courſe of the convulſions in France; however impoſſible it was to have been predicted by the moſt furiouſly inſpired of the revolutionary prophets, "*Quod Divum promittere nemo auderet*," popery and the revolution—have met, Bonaparte and Pius "have kiſſed each other." By a partnerſhip in the crimes, they jointly reap all the advantages of the deſperate ſtruggle, and of

the ſucceſs with which it has been crowned. When the Conſul had diſplayed through the ſtreets of his new capitol all the pomp of the great triumph—when the images of the conquered nations, and their princes, either in perſon or by their repreſentatives, including his Holineſs, had followed his chariot wheels, and his victorious troops hailed him Emperor auguſt and invincible, Pius is allowed to celebrate his leſs warlike victories by the peaceable ovation. After the cloſe of the great games exhibited by his Imperial Majeſty to his "good citizens of Paris" on this glorious event, his Holineſs is ſuffered to parade his mule, and to exhibit to the crouds, whom the novelty of ſuch ſhows attracts to the lately deſerted churches, all the trophies of his ſpiritual victories. The good citizens of Paris muſt be amuſed, whether in a church or on the theatre; on the Boulevards or in * St. Sulpice; whether a harlequin on the ſtage, or a man dreſſed in black bearing the Pontifical croſier, they muſt have *leur Spectacles.*

All this would be well, "paſſing well," *ſi nugis tota illa aediſſet*—if we were no otherwiſe concerned in theſe fooleries, than as they add one page more to the hiſtory of the ſports of fortune, and of the caprice of the human mind. But, with us, treaſon kindles into new hopes at the

* Where the Pope performed high maſs pontifically, and from the portico of which he gave his benediction to the populace.

glorious proſpect which this ſtupendous revolution opens to it. With all its trumpet tongues it diſſeminates the happy tidings, that the Catholic religion has miraculouſly emerged from that obſcurity in which it had been eclipſed, into noonday ſplendour; that it has been ſnatched from the deſtruction with which it was threatened, and that this glorious revolution is the work of Napoleon, the pious, the devout,—"the crowned "of God."

M'Nevin, in the confeſſion which procured that traitor his pardon (how wiſely granted the event has proved) aſſerts, that in the year 1797, a memorial was tranſmitted by the Iriſh executive to the French directory, in which it was ſtated, that the Catholic prieſts had ceaſed to be alarmed at the *calumnies* that had been propagated of French irreligion; that they were well affected to the cauſe, and that they had rendered great ſervice in propagating, with *diſcreet zeal*, the ſyſtem of united Iriſhiſm. With what truth the rebel made this repreſentation, I will not pretend to ſay, but his enthuſiaſtic zeal in the cauſe has not been ſuffered to ſleep, now that he can plead the authority of the Holy Father, for effectually and finally quieting ſuch alarms among your brethren, and announcing the triumphs of his Holineſs over all the enemies of the Holy Mother church amongſt that newly, or rather re-enlightened people, the great nation. A ſecond Peter the Hermit,—he is choſen to preach the new Cruſade

againſt the infidels of Ireland. He invites * all Iriſh chivalry, all the valorous knights of croſs, whereſoever diſperſed through Europe, ruſh to the ſtandard raiſed by the champion Catholiciſm, to reſcue the iſland of ſaints fr[illegible] the enemies of God. He pledges his ſacred fa[illegible] to them, that thouſands of the veteran troo[illegible] marſhalled by himſelf and his gallant aſſociate[illegible] and who fought with them under the banners o[illegible] the Roches and the Murphys, are ready and im[illegible] patient to join the apoſtolic army of France, led by its apoſtolic miſſionaries, in this holy war.

How theſe tidings are received by thoſe with whoſe principles M'Nevin pretends he was ſo well acquainted before rebellion was forced to hide its head, I have not information enough to determine. I am moſt egregiouſly deceived, indeed, or in many inſtances,—I may ſafely ſay in every inſtance within my own knowledge and obſervation,—this rebel was guilty of the foulest calumny. The zeal of many Catholic clergymen, with whom I am acquainted, or whoſe conduct I had an opportunity of obſerving, muſt have been diſcreet, indeed, muſt have been moſt carefully concealed, if it was exerted in ſerving the cauſe of rebellion on that occaſion. That the tidings will produce the effect propoſed by

* An abſtract has appeared from a circular letter, of this traitor's inviting all the Iriſh officers in the different foreign ſervices, to join the army that was on the eve of invading Ireland, to break its religious and civil chains.

the enemies of the country, upon our infatuated populace, there can ſcarcely be a doubt; but, with what ſentiments and feelings muſt they be received by Lord Fingall, and all who have ſuch ſtake as he poſſeſſes, or any ſtake in the country? After all they have heard and known, during the courſe of the revolution that has changed the entire face of France and of its dependencies, can they flatter themſelves that they ſhall be reckoned among the faithful, by the banditti, that, like blood-hounds ſtraining upon the leaſh, wait for the ſignal to dart upon their prey? Will not thoſe ferocious miſſionaries, enſavaged by the proſpect of univerſal plunder, ſo long held out to them as their encouragement and remuneration, diſcover hereſy in every acre?—diſcover hereſy in every guinea they poſſeſs?

I make no doubt, Sir, but you muſt have heard the ſtory of the Heſſian plunderer in the American war. He was rioting in the ſpoils of a zealous loyaliſt, into whoſe houſe he had forced his way, at the head of his grenadiers:—"Man," ſaid he, with his broad German accent, to thoſe who remonſtrated with him, "Man, be very "good ſubject; but dollars and wines be damned "*rebels*." In the ſame way, men of property will be very good Iriſhmen—moſt excellent Catholics; but their ſtocks, and their flocks, and their eſtates, will be the moſt damnable of all damnable heretics.

When I firſt took up my pen to write to you, I meant to have troubled you with but a ſhort

letter—I have ſwelled it into a pamphlet. Indignation flows in proſe as well as in poetry. When the feelings are rouſed by ſuch intereſting objects as have paſſed in review before me, the difficulty is where to ſtop. I have ſpoken out: I have dealt plainly and roundly with you: the events of every day threaten us with it: The events of every day threaten us with increaſing danger. A ſpirit is now on foot, and indefatigable are the pains that are taken to ſpeed its progreſs, wilder, and of a more terrible tendency than has deluged this unhappy land with blood, from the day that a war of religion was firſt rouſed from its ſleep of one hundred years. The chord that has never failed to madden our populace into rebellion, is now ſtrung to its higheſt pitch; it is ſtruck by the maſter hand, that gives it all its frenzy. You, Sir, and your Brethren, and the Clergy over whom you preſide, of every order and degree, muſt act a commanding part, either in repreſſing or encouraging this ſpirit. It will bring your principles and your diſpoſitions to a teſt, that can no longer leave room for doubt in either way: half meaſures will no longer do. No anti-room converſations, no cloſet whiſpers, no vague declarations, meaning any thing or nothing, will meet the exigency: any thing ſhort of a declaration from the whole body of your Clergy, publiſhed at your altars, as the unanimous deciſion of the whole Prelature and Prieſthood, and forming the Creed of the Iriſh Catholic Church, will only ſerve to

confirm the repreſentation of our mortal enemies, that the Catholic Churches in France and Ireland are in uniſon,—that the reconciliation between Bonaparte and the Pope can no longer ſuffer the true ſons of the church to conſider the uſurper as an enemy, and that this triumph of the Catholic religion in France, under his auſpices, is the ſignal of a general revolt, the moment his apoſtolic army ſhall touch theſe ſhores. It will not be enough for you, Sir, to come forward with thoſe paſtoral letters, in which the text and the notes are in the moſt amicable variance; which revive the art that was ſuppoſed to have been loſt, with the diſappearance of the ſons of Loyola—the art of blowing hot and cold with the ſame breath; which remind us of the monſter with two voices, in the Tempeſt, the "*forward voice*" breathing nothing but loyalty and union, and ſocial harmony, and boundleſs and unexcluding charity and good-will; the "backward voice" uttering no other ſounds but religious enmity, neceſſarily creating civil diſſentions, excluſive ſalvation, jealouſies and envyings, and heart-burnings, and an inexhauſtible theme of mutual diſtruſts and hatred.

In conveying theſe opinions to you, I ſpeak the ſentiments of every loyal Proteſtant in the kingdom; I might almoſt venture to ſay, of the great majority of the loyal Catholics of the kingdom. If adding my name to them, would give them any weight with you, or with the public, I ſhould not heſitate to add it; but moving in a retired walk of life,—with no public character;

unknown to the great world of politics; a plain unpretending friend to my King and to my Country; attached to all my fellow-ſubjects, in proportion to their loyalty, and to the manly and open part they contribute to promote religion and morals, peace and harmony, and ſubmiſſion to the laws; deteſting popery, as the old ſtanding curſe of this unhappy land,—as the houſehold dæmon, through whoſe malignant influence the nation has been for ſo many ages prevented from coaleſcing and blending into one people, contrary to all examples, ancient and modern, except that of the Jews,—with whom alone its votaries agree in maintaining your excluſive doctrine; no otherwiſe adverſe to Catholiciſm than becauſe as a general concern it has engrafted popery, with all its evils, on its ſtock, and as a private one, and looking only to myſelf, becauſe my conſcience cannot approve of many of its religious tenets, or ſuffer me to conſider them as conſonant to the revealed word of God. Bearing you, Sir, with whom I have never had the leaſt acquaintance, no perſonal enmity, and not meaning you the leaſt perſonal offence by any thing that I have in this letter ſubmitted to you, I ſhall aſſume the name of the mildeſt of the reformers, who laboured moſt ſtrenuouſly to ſooth the animoſities between the Proteſtants and Catholics, and compoſe their differences, and ſhall ſubſcribe myſelf,

SIR,

Your Humble Servant,

MELANCTHON.

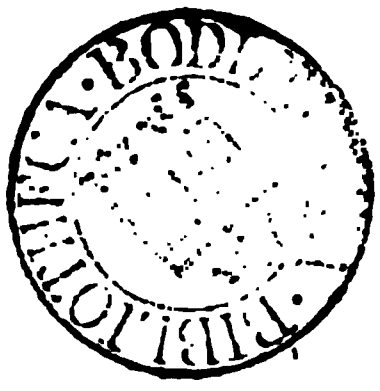
OBSERVATIONS

ON THE

)WING OF SPRING WHEAT,

AND ON THE

CULTIVATION



OF

THE GLOBE TURNIP.

PUBLISHED BY ORDER OF

THE DUBLIN SOCIETY.

(3)

DUBLIN:

PRINTED BY GRAISBERRY AND CAMPBELL, 10, BACK-LANE,

PRINTERS TO THE SOCIETY.

1809.

[redacted]

REPORT of SP

COUNTIES.	NAMES
CARLOW, .	Denis Hanlon, . . . William Cheevers, , .
CAVAN, . .	Thomas Wilson, Es . .
CORK, . . .	Reverend Martin A .
DERRY, . .	Richard Ross, . . .
DONEGAL, .	Robert Pue, Esq. arch,
DOWN, . .	John Nicholson, Es . .

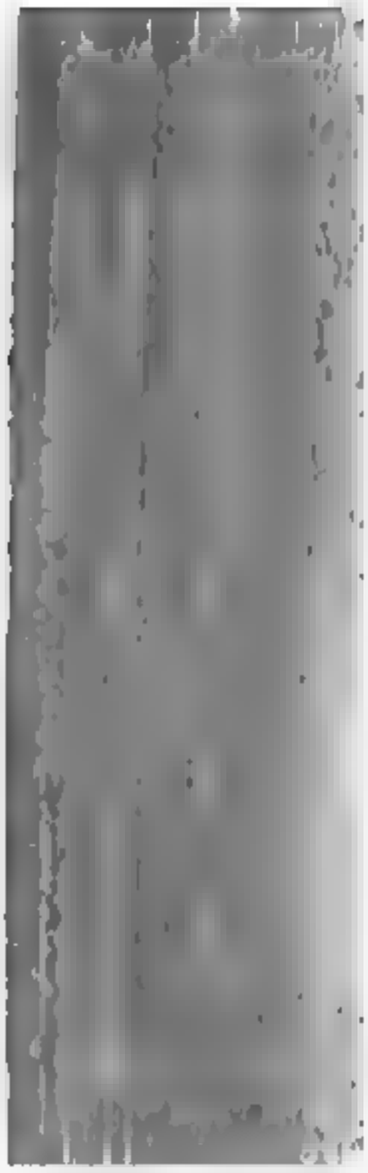
FROM THE

RIGHT HONOURABLE

THE MARQUIS OF SLIGO.

Westport House, October 9th, 1805.

THE Dublin Society having expre-
ish, (with their offer of a premium
cultivation of spring wheat in Ire-
r any information, that could be ob-
that important subject, of so much
terest, I beg leave to transmit to
rough you, the result of some expe-
which I have made upon it in three
successive practice.



there for years, especially on the borders of Leicestershire, Derbyshire, and Nottinghamshire. The universally received opinion of there being more husk and bran in spring wheat than in that, which is sown in autumn, I am inclined to think is untrue altogether. It is positively contradicted by every experiment that I have made of it; and if it has any foundation, 'tis that the kind of wheat, usually called spring wheat, is of an inferior quality, and may have given rise to an opinion, for which I can trace no other grounds.

Having so disposed of one of the most weighty objections, that I have heard offered to the sowing of wheat in spring, I proceed to state the further result of my own experience on this subject, and I shall take the liberty of forwarding with my report samples of the grain, on which I have formed my opinion, with the best explanation I can give of the quantity and quality of the produce, and of every circumstance connected with it.

By some accident, (I believe the extent of my other works,) I was prevented in the year 1802 from an early preparation of my wheat fallow. The ground was not ploughed to my liking, when the frost set in, and I ordered it in consequence to be ploughed again

and again, and to be sown in the earliest part of the spring with the seed, which I had procured for sowing in November, and which was the common red Lammas of a good quality. The seed was sown in March, and produced a fine crop of wheat, perhaps a week later ripe than it might have been, had it been sown in autumn, but certainly not more. In the exposed situation, in which I live, the crops of wheat on our high lands, being open to the storms from the Atlantic, often fail, as the people here say, from the shoots being broken by the violence of the winds. It became therefore an object with me to follow up the experiment of sowing wheat, after those storms were over. I therefore directed another spring sowing in the spring of 1804 from the produce of this last crop, and I never saw a finer field of wheat. For a further investigation of the subject, in November 1804, I lined a hill, which was considered a fair soil for wheat, and I sowed about ten acres of it, in the month of November, with seed from the wheat, which had been sown in the preceding spring; and about one acre of the same soil, in the same field, I sowed also in November, with seed sold to me as spring wheat. The produce of both was very good, any difference fully to be accounted for by

a difference in the situation and the
The best of this spring wheat, sow
winter, being threshed, produced tv
nine pounds of wheat, which being g
produced twenty-three pounds of flou
six of bran. See samples marked 1 an

Following up the same line of trials,
choice ground of mine was well plou
During the last winter it containe
acres, and it was sown partly with my
former seed, and in part with one sa
the same spring wheat that had been
in November; the grain put in the g
between the twentieth of February ar
first of March. The crop was by fi
most abundant I ever saw, and differed
in its quality; it was reaped between the
and the thirteenth of September as it b
ripe, and was about one week later cu
that, which had been sown in the pre
November. One bart of it threshe
duced twenty-nine pounds of wheat,
when ground, produced twenty-seven p
and a half of flour, and two pounds and
of bran; not half the quantity of bran,
another bart of the same weight of
had produced, when sown in winter.

Having procured some seed of the
called Jerusalem wheat, about one a
the same field was at the same time,
the end of February, sown with it.

crop exceeded any thing ever seen in these parts; the straw longer; the grain far heavier and more abundant; and, what is particularly worthy of observation, not *one* ear of it, though the whole was scorched through, could be found that had received blight, though the other wheat, sown in ridges on *both sides* of the Jerusalem wheat, had been blighted most materially, and part of every ridge, save the Jerusalem wheat, was smutty. The bart of Jerusalem wheat, when threshed, weighed forty-one pounds, of which thirty-eight was flour, and three pounds only of bran. Samples marked 3, 3.—Having procured from Mr. Crips, who travelled through Egypt with Dr. Clarke, some grains of the wheat grown in Upper and in Lower Egypt, I sowed them in my garden, one kind of which was bearded, and appeared to me to be the same kind of grain as that called Jerusalem wheat, and the other not bearded; I had not enough for a sufficient experiment, but both were free from smut, and very fine grain. See samples marked 4 and 5.—They were sown in the last spring, and I have just now sown an acre of it, to see whether it may be still better by cultivating as a winter grain.

To conclude, I am of opinion that the sowing of wheat in spring is less subject to

to casualties, than when it is sown in au tumn; that it produces as large a crop, a full and as clean a grain, and, at least, a great a proportion of flour, as it would d if sown in autumn; and that what is calle winter wheat is just as fit for spring sow ing as any other wheat; and that the be crop will be produced from the best grai whether it be a winter wheat sown in sprin or a spring wheat sown in winter; and I a inclined to think, though I cannot yet spea *positively*, that the Jerusalem bearded whe is the best wheat, that has ever been i troduced into Ireland. A comparison (

No. 5 with No. 3, will shew, that th grain has not deteriorated in this climat the former being the growth of seed in mediately brought from Egypt.

I am, Sir,

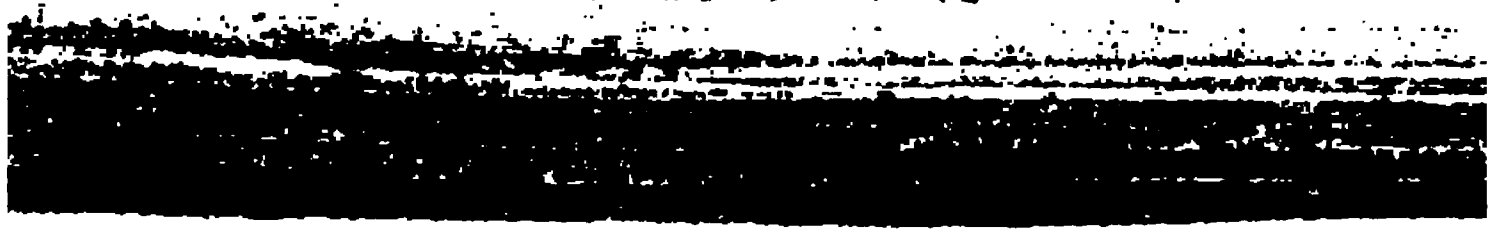
Your very obedient Servant,

SLIGO.

Rev. Dr. Lyster,
Secretary to the Dublin Society.

P. S. I send also one stock of the bear ed wheat in ears, and also one stalk the unbearded, which last is from Low gypt, and appears to me to be a fi grain.

T



[redacted]

ON SPRING WHEAT,

A LETTER

FROM THE

REV. CHARLES WM. MOORE.

SIR,

INCLOSED you will receive my claim for one of the premiums offered by your Hon. Society, for the culture of spring wheat; and, for the information of your Hon. Society, I beg leave to communicate my experiments and observations on it, during the year 1805.

There were four pieces of ground under that crop.

No. 1. Two acres of good fertile gravelly loam, which was sown with winter tares, in October 1803; the produce mowed in June, for soiling, not very luxuriant. It was then left for seed, and gave a middling crop in September. Early in December, 1804, the ground was ploughed deep, and having some

quick

quick grass in it, was left rough for the winter. In the beginning of February 1805 it was harrowed with the brake, cross harrowed in a few days, and the quick grass partially extirpated by a rake for that purpose. About the 10th of the month sown with four bushels per acre of white wheat, the produce of a species which was brought to me from South Devon, and much recommended. The crop was thin, producing on an average not more than seven barrels per acre; the grain full and good.

No. 2. Immediately adjoining, were three acres of similar land, sown with spring tares (broadcast, as were the tares on No. 1.) in 1804; the crop very good, and all saved for seed. The ground was ploughed soon after and found clean: sown with same wheat, three bushels per acre, about the 18th of February 1805; the crop rather thin, but well headed; averaged eleven barrels per acre. It is believed that the immense flights of wood pigeons, which frequent my grounds, were the cause of these two crops being thin, as a grove joins the field.

No. 3. One acre and an half on the side of a steep hill, facing the east; the soil somewhat moist, inclining to clay. This had been in a very rough state, and so many rocks in it, that it had been necessarily

worked

worked with the pick-axe; it was well manured and planted with potatoes by hand, in April 1804. When the potatoes were dug out, it was ridged up with the plough for winter; about the 1st of March harrowed, lightly stirred with the plough, and sown with the same wheat, three bushels per acre. The crop proved uncommonly fine, and the size of the ear remarkable, as Mr. Hamilton, Secretary to the Farming Society, can testify, he having got a sample; produce about twelve and an half barrels per acre.

Note, This calculation is made from counting the stooks and threshing one. The remainder is yet on the hovel, and reserved by me for my seed this year.

No. 4. Two and an half acres of land similar to No. 3, and immediately adjoining; in 1804, had produced a large crop of drill potatoes, well manured. This ground was sown with Dantzic white wheat, and finished the 18th of March. (This seed proved to be mixed, producing both red and bearded ears). It looked poorly in May. In the beginning of June, No. 3 and 4 were sown with rye-grass and clover-bush harrowed and heavily rolled. From the time of this rolling, both crops improved daily. Seeing the good effect, I rolled No. 1 and 2, though then up to the horse-

knee-

knees; this improved their appearance very much; but No. 4 continued growing, till it acquired a greater length than any crop I ever saw, not a stalk in it being less than six feet, and some much taller. The ears, however, were not so long as in the adjoining lot, nor were they quite so well filled.—Produce between ten and eleven barrels per acre.

REMARKS.

About the 15th of September, when we were busy with harvest, I saw Nos. 3 and 4. They looked extremely well, and were ripening fast; three successive days of rain and of very high wind (which did great injury to this country) followed. During this period, being much of an invalid, I did not stir out, but, on the weather taking up about the 21st, as well as I remember, was greatly surprised to see my wheat still quite black, and, on examining, found it completely mildewed, all except a little skirt at the bottom. I obeyed Mr. Young's directions, and reaped the week following, though, had it not been for the above accident, it should have stood ten days longer. Nos. 1 and 2 escaped,

escaped, being fully ripe. If a
who has no great skill in Natural
dare to differ in opinion from Si
Banks, I would do so. He supposes
"to be a vegetable fungus, carrie
"air, which becomes a parasitical p
am at present of a quite different
and think that it arises from the
juices being arrested in their circul
cold, at which time they burst thei
and ooze through the outer skin.
part of the sap, in this state, is s
porated, and leaves a black pow
hind. This may be called fungus;
lieve is the lump of black sometime
at the top of the wick of a tallow
but I do not imagine either are any
lated to the mushroom.

My opinion is much confirmed
mining the straw with a powerfu
scope. If it was dust carried by
why does not the powder sometime
in a transverse direction? But this
found. With the assistance of th
I can trace the discoloured sap, one
inches down the stem, before the ve
taining it is actually broke. By m
top I can account for partial mil
occurrence which every farmer n
quently have observed. Patches o

or an acre will appear quite black, and the straw become rotten, while the rest of the field is in perfect health. If the ground be examined in these places, aquatic plants and other marks of moisture will be discovered. Here the evening fogs of a hot day will always commence. Now, if we suppose a strong wind to arise, the evaporation from the earth will be greater from these places, than from any other. Evaporation, we know, produces positive cold. In these spots of humid ground, the vessels of the plants are more distended than ordinary. A sudden cold is generated, perhaps for a few minutes, even to freezing; freezing produces expansion, and expansion an immediate rupture.

I have not yet seen any satisfactory account of the cause of smut, which, when it occurs in wheat, depreciates it very much; but, during the last four years, I have never found one single ear of any of my crops affected, which I attribute to washing the seed in a solution of salt, strong enough to bear an egg. Every grain that swims is rejected, and skimmed off; the remainder, being well washed, is taken out, spread on a floor, and dusted with quick-lime, and sown as soon as possible.

Such,

Such, Gentlemen, is the substance of my observations, and, should they seem of any use, they are entirely at your service.

I have the honor to be,
Your very humble Servant,

CHARLES WM. MOORE.

Mount Panther, Clough.

Rev. Dr. Lyster,
Secretary to the Dublin Society.

A LETTER

A LETTER

FROM

RICHARD EVANS, ESQ.

Arden Wood,
14th January, 1806.

SIR,

I SEND you herewith a Surveyor's certificate of my having cultivated and sowed, on the 2d of April 1805, at Arden Wood, county of Kildare, two acres, one rood, three perch, with wheat; and, in conformity to the desire of the Dublin Society, I beg leave to report the particular circumstances.

The soil was in 1803, a lea, overrun with a thick growth of moss, and quite hidebound, to correct which I planted it with potatoes in the lazybed mode; first laying a reasonable quantity of well prepared compost, consisting chiefly of lime and bog mould, the latter of which contained

tained a portion of marle of an inferio
quality; over this compost, I put a ligh
covering of farm-yard dung. The next yea
the beds being levelled, and the trench
made where the center of the bed was th
year before, I planted a second crop; bo
crops right good; the second rather excee
ing the first. After digging out the s
cond crop, ploughed the soil, which turn
up in great order, and it being tilled
tirely to my mind, and wishing to lay
ground down, I, on the 2d of April 18
sowed the whole with common red Lamm
wheat, the produce of my own land, twen
seven stone; I am persuaded seven st
too much. This was sowed broadcast,
ground being previously made quite le
and then ploughed in with a seed plou
afterwards harrowed very well, afterwa
sown with hay-seeds, six barrels to the a
The crop came up very slowly and in
appearance bad, and I feared the many bro
hints I got from my neighbours were not i
founded. Indeed (the sowing of spring whe
being totally unknown in the country) so
of them were pleased to say it was on th
1st and not on the 2d of April I made n
sowing; however, in taking the very
season into consideration, I was not wi

out hopes of still having a good crop, as I was very anxious for a change to moist weather. This change, although it came very late in May, had a most wonderful effect in June, and in July I had as promising a crop as any in the neighbourhood, and much better than many. The second week in September I reaped, and soon after drew in and threshed about two barrels; this month threshed the remainder; total, 21 barrels, 6 stone, 4 pounds; which, at 30*s.* per barrel, is about £32.

I am so confident that sowing spring wheat is of great utility, that I mean this spring to sow four acres, with a proportionable less quantity of seed, on land prepared in the same manner, with this difference, that the second crop of potatoes was planted in drills, three feet distant.

I conceive it very much serves the potatoe ground, to get a winter's fallow in addition to the potatoe culture; and I am sure the quantity of seed to be sown in spring need not be half as much as when sown in autumn; that the soil is much better tilled, and the length of the days lessens the expence of labour; that it is a disadvantage to sow hay-seeds in April rather than in winter, during which they must consequently

rowed, and sown broadcast, with fo teen stone red Lammas wheat per acre, vered well with the plough and ligh harrowed, for the purpose of laying dov The potatoe ground was treated in l manner, except half an acre, which seeded more than the rest, and one quai sown in ridges.

The potatoe ground, or west lawn, is clayey loam, and the fallow, or east si is a strong clay, with a light surface loam. The well field about the same q lity with the latter.

This field had been ploughed in Octo 1804, after a crop of wheat, which v the first crop of corn it had given since was broken from the sward, at wh time it was well manured. I secc ploughed it the latter end of March a sowed it early in April, 1 rood 24 per with $5\frac{1}{2}$ stone white wheat English se partly broadcast and partly in ridges. I mediately adjoining this, I had an a and a half remarkable fine oats, and in t remainder of the field winter vetch which produced very abundantly two cro This wheat turned out much more ind ferent than the red Lammas, produci only half a barrel of very bad wheat, o fit for pigs or fowls; the straw w

very short and mildewed, and the grain shrivelled up.

The entire of the crops came up sufficiently thick and wore a promising appearance till June, when it gradually declined. Most of the young plants turned yellow, and several of them totally failed, especially in the east side of the lawn. The rains in summer again brought forward the crop, and the ear looked promising, particularly on the west side, or potatoe ground, which I was in hopes would have produced a tolerable crop. However, I was deceived; for, although the plants stood sufficiently thick on this side of the field, there were not four barrels per acre, and on the other side not two of indifferent corn; the straw very short and mildewed.

The soil was in very fine tilth when sown, and had the benefit of a fortnight's rain. This field is rather subject to the red worm, which the potatoe crop had greatly destroyed, and prepared the ground better for wheat; however, this field has been known to have produced upwards of twenty barrels of barley and ten of wheat, when not in as good heart as at the present.

I did not perceive any difference in the parts sown in ridges, which were equally unproductive

unproductive with the other parts, tho this ground the year before, without nure, had given a tolerable crop of c I beg leave here to remark, that the gr seed grew remarkably well, where s with this crop, being much more lux ant than the adjoining field laid d with oats. As I was not offered wi four shillings a barrel of the current p I sent five barrels and an half to the then in possession of a friend of m lest I should be deceived in the prod which was as follow:—8½ cwt. weak conds; two stone; indifferent thirds; nc twenty stone of very bad bran.

Mr. Jackson, a neighbour of m sowed an acre with English white w the latter end of March, in a rem able good field, (a deep loam) well pared and ploughed in ridges, about teen stone per acre. The crop very ir ferent in every respect, not three ba of corn produce. He sowed the rem der of the field with barley the sec week in May, which had the same c ration and manure with the wheat. cut upwards of seventeen barrels per of the field. His ground is not subjec the red worm, notwithstanding many the wheat plants totally failed at the

the barley shewed a most promising appearance.

I have known wheat to be sown in some counties of England in February, and even early in March, in cold wet ground, when too heavy to be tilled in autumn; but those, who have been obliged to defer sowing so long, acknowledge their preference of autumn sowing, though they had sometimes tolerable crops, owing to a very favourable season.

I certify the foregoing account is true, which I shall verify by affidavit on my return to the County of Kilkenny.

EDWARD BURROUGHS.

The above wheat sown in the County of Kilkenny, barony of Gowran, parish of Tullowhern, and townland of Bishopslough.

Note.—The Society having offered premiums for sowing spring wheat in 1806, *postpone their observations on the advantages or disadvantages of this mode of husbandry, till they have received the reports of* 1806.

ON THE GLOBE TURNIP.

THE Society having received seve letters addressed to their worthy Memb Colonel Hardy, recommending the so ing of Globe Turnips, think proper publish the three following for the infa mation of the public.

N. B. The seed may be had at Simpso College-green.

No. I.

Prudhoe Castle, Northumberla
25th February, 1806.

SIR,

IN answer to your letter respe ing the superiority of the globe turnip to t Norfolk, or even to any other kind wh has yet been introduced into this neig bourhood, allow me simply to state (wi out attempting a theoretical description its superior qualities), that in this distri where a great proportion of the soil is p culiarly adapted to the cultivation of t excelle

excellent root, and, I presume, some little attention has been paid to the selection and raising of seed from the most valuable kinds, that, so far as the practice and experience of this neighbourhood may tend to prove the utility of any particular species, the globe turnip, in preference to all others, may be justly said to be the only kind now cultivated in Tyne side for winter food, consequently stands highest in estimation.

The bullock turnip and *Swedish*, or *Rutabaga*, have been partially cultivated for spring use latterly, and bid fair for more general culture; as, with proper attention being paid to the preservation of the *Rutabaga* when drawn from the ground, it may be kept perfectly good until the latter end of May or beginning of June, which is of material consequence, considering the scarcity of green food which often prevails in our northern climate at that season.

I am Sir,

Very respectfully Yours,

WM. LAWS.

No. II.

No. II.

Clastons, near Gateshead,
Feb. 15, 1806.

SIR,

I HAVE sown the globe turnip for some years, and give it the preference to any I have yet tried; being of opinion, it is the most nutritive, and from its shape stands the winter well: it is a valuable turnip to use early, being of quick growth, and gets to a very large size when sown about the last week in May, or the first week in June; those intended to be eaten late I sow two or three weeks later.

JOHN KELL.

No. III.

Backworth, Durham,
Feb. 21, 1806.

SIR,

I HAVE cultivated the globe turnip twelve years, and found it preferable to any other sort that has come under my inspection; in its texture it is firm and compact; its juices are nutritious and sweet to the taste, making an excellent vegetable for the table, and, from these qualities, improving cattle amazingly; it shoots a small close top, throwing off the wet and resisting frost

frost in preference to any of the flat sorts. Since it has become generally known, no other kind is cultivated in this district.

I remain Sir,

Most respectfully yours,

THOMAS BOURN.

[redacted]

LETTER

TO THE

RIGHT HONORABLE

HENRY GRATTAN,

ON THE SUBJECT

OF

HIS VOTE

ON THE

INSURRECTION BILL;

AND

CONTAINING A REVIEW

OF

THE CONDUCT

OF THE

LATE ADMINISTRATION.

BY AN IRISHMAN.

Dedicated to the Members of the Dublin Library.

Oh, what a falling off was there my countrymen!

Dublin:

PRINTED BY J. STOCKDALE, 62, ABBEY-STREET.

1807.

P. 26. c. 159 (4)

MEMBERS

OF THE

DUBLIN LIBRARY.

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lemen,

To you I offer this humble token of my
at a time, when in a sister kingdom, the dif-
f knowledge hath been deemed but a pro-
c good, and hardly worth the cost of experi-
when thousands are considered too enormous
IMPROVEMENT, *but millions too scanty for*
TRUCTION *of mankind; I can congratulate*
he want of such economy, on the absence of
ndigality, you have thrown open the doors of
ge and facilitated access to ALL. Your
on the gratitude of your country are not
may your example spread afar; may
; and truth dispel those clouds of ignorance
e so long overwhelmed us.

I am, Gentlemen,

&c. &c. &c.

The Author.

LETTER, &c.

THE IRISH INSURRECTION BILL hath passed, and our doubts are at length resolved; not that we were by any means sceptic in our belief of its being made a law, dull and inexperienced must that man be, who could for a moment hesitate to expect it, but that MR. GRATTAN should advocate such a cause; should stand the willing sponsor, and grace this offspring of political deformity with all the honors of his name, surprises and afflicts us. With difficulty could I believe what all assured me of, that there was no error, no misrepresentation, that the words in the *Courier* were all your own, and its applauses well deserved, hardly could I relinquish almost the only hold, where I deemed public virtue to rest secure, and left it reluctant as I would part a friend that I had long loved, never to see more. But this weakness is over, and I am now prepared to contemplate without wonder any character of the political drama in which MR. GRATTAN may appear, now that he seems to have by heart and repeats flippantly as any, their continual burden and plot, *necessity*—melancholy, but *imperative* NECESSITY. If in a case like this, argument was to be resorted to,

might not this acute reasoner himself, be told before a measure of such awful purport should be passed against his countrymen, that necessity ought first be *proved*, and proved on stronger evidence than hearsay or the affirmation of his, of his very respectable friend MR. ELLIOT? and might he not then be asked, if disaffection lurks in the country, when did he first begin to esteem COERCION as its specific? or was this a new improvement in governing that he had just learnt from his friend the late secretary? or from his now enthusiastic admirers and eulogists MESSRS. BERESFORD and LOFTUS! But, Sir, had you consulted any other authorities than those, you would have known that the country enjoyed an unprecedented degree of tranquillity and that those "*dark and dangerous conspirators*" were much nearer to *you*, and distant from *us*, than you seemed to imagine, and far more dangerous than any DOMESTIC FOE, as they had other powers, besides that of calumniating their country with impunity; you would have learned also, what none ought to know better than yourself, that measures like these make the disease they were intended to cure, and that even if it is the policy of England (which I don't say it is) to divide the land however happy and tranquil before, she has but to manufacture one or two bills like this, which will import death and desolation into the country as certain as the plague; and now that we have first discovered all the errors that attend a thick population, it must afford incalculable

le happiness to our Philanthropic Legis
ıen they reflect, how valuable a remedy
ve always at hand, a remedy whose vir-
ıe high authority will always be ready
laim; whatever charges the enemies of
ent Ministers may bring against them,
tardiness cannot be one, and when we
ıow many *years* it took to give liberty to
ɔrtunate Africans, and how many more
ly to pass before Mr. Whitbread's Poor
all be a law, I cannot but congratulate
untrymen on the expedition with which
ll was hurried through the House, and
ɔt even the delay of appointing a Com-
to determine whether disturbances did ex-
not, was had recourse to, much, no doubt,
satisfaction and honor of MR. GRATTAN.

: origin of this Bill sprung from the late
nistration, and was one of many acts of
, by which they enabled us, and posterity to
a judgment of their Administration, per-
this is the best place to tell *you*, Sir, who
formed so close a connection with them, as
only with their eyes, what is our general
ɔn of them; and on this occasion at least,
nay be disposed to believe us, rather than
their words for it.

e Exministers beyond a doubt, were the
est eulogists of their own virtues that
y presents any example of; their ta-
rank, and property, were the constant
s of their song, with what propriety
ıst was obtruded as a legitimate claim for

lous fears they then entertained, and bigotry itself would have made many advances toward liberality and truth; but the opportunity was neglected, and while stipulations were demanded, it is said, respecting a military counsel as the *sine qua non* of their acceptance of office; the grand, the vital question of the state was unthought of. This nonsence about TALENT is now over, and it will not be the fault of the present Ministers, if they do not soon rival their opponents in PROPERTY, as they promise to excell them in the duration of their power; not that we are fearful of the Catholic question standing in the way of Lord Grenville and his colleagues, could they by any means dispossess their rivals of their seats; no, we are fully prepared and know what to expect, some profession of the impossibility, of the now ascertained, determined impossibility of our claims being granted in the present conjuncture of affairs, with one or two more of those ministerial saws that we are to look for, at every time and from every party.

The People of England too have seen their error; they also have been deceived but not so grossly as we, they quickly discovered that it was the offices of the state alone, the emoluments of office unconnected with any thing noble or great that the " TALENTS, RANK, and PROPERTY" were scrambling for. Ambition was their idol but it was of the meanest kind; the goal to which they had been straining all their efforts they at length reached, and it

was

MEMBERS

OF THE

DUBLIN LIBRARY.

Gentlemen,

To you I offer this humble token of my esteem, at a time, when in a sister kingdom, the diffusion of knowledge hath been deemed but a problematic good, and hardly worth the cost of experiment; when thousands are considered too enormous for the IMPROVEMENT, *but millions too scanty for the* DESTRUCTION *of mankind; I can congratulate you on the want of such economy, on the absence of such prodigality, you have thrown open the doors of knowledge and facilitated access to ALL. Your claims on the gratitude of your country are not slight: may your example spread afar; may learning and truth dispel those clouds of ignorance that have so long overwhelmed us.*

I am, Gentlemen,

&c. &c. &c.

The Author.

LETTER, &c.

SIR,

THE IRISH INSURRECTION BILL hath passed, and our doubts are at length resolved; not that we were by any means sceptic in our belief of its being made a law, dull and inexperienced must that man be, who could for a moment hesitate to expect it, but that MR. GRATTAN should advocate such a cause; should stand the willing sponsor, and grace this offspring of political deformity with all the honors of his name, surprises and afflicts us. With difficulty could I believe what all assured me of, that there was no error, no misrepresentation, that the words in the *Courier* were all your own, and its applauses well deserved, hardly could I relinquish almost the only hold, where I deemed public virtue to rest secure, and left it reluctant as I would part a friend that I had long loved, never to see more. But this weakness is over, and I am now prepared to contemplate without wonder any character of the political drama in which MR. GRATTAN may appear, now that he seems to have by heart and repeats flippantly as any, their continual burden and plot, *necessity*—melancholy, but *imperative* NECESSITY. If in a case like this, argument was to be resorted to,

nor in manner does it resemble that of the peaceful genius of the Minister for War. We are all capable of estimating its worth, we consider it as a disgrace even to the code of laws by which Ireland has been governed, that it is the dreadful compendium, the terrible combination of martial law with the indemnification bill, outrage and indemnity united. In this devoted land Heaven knows we wanted no instruments of castigation, we had surely enough without any new expence to the nation, they were already provided, country justices, orange magistrates, and yeomen, thanks to the late Administration! were still left us, and should have been considered amply sufficient to have performed all new work. It is not necessary to read the appeal that a disinterested WILSON or an eloquent and intelligent MASON have made to the public, to be convinced, that the power of the *magistrates* and *inferior servants* of Government required amendment and correction, rather than extent and indemnity. You, Sir, may not know this, you reside in England, the land of liberty; sad tales and sights may not now offend the sensibility of your feelings, but we can assure you, such things are, and although Mr. Elliot may not have heard of it, yet if your curiosity on this head, *exceeding* what you felt on the passing of the *Insurrection Bill* induces you to examine its authenticity, before you believe the *garbled statements* of an English secretary, your doubts will soon cease, and your wonder lessen, at your receiving

, as you say you have, hundreds of letters
reland, deprecating your support of this
hich goes to throw such additional powers
e hands of men, who have made such tre-
us use of the portion they had.

i say there is a French faction in the
y, and you qualify this sentence by pro-
to believe its number to be but few. More
to that man, who would, to punish that
isk the destruction of innocent thousands;
ou assert, that the guilty alone shall suffer,
our punishers of crime gifted with magic
ds and brands, that shall only smite dis-
shoulders? that will only fire rebellious
? But what proof have you of this French
on? We say it required the proof of solemn
stigation by Parliament, before such a mea-
was built on its *supposed* existence, but no
thing could be proved, if such a plot did
t, our spies and informers are too active not
ave discovered it, it is a reflection on the
ntry that even the BAR OF ESPIONAGE resent,
then but *hearsay*, and does it become you,
to offer at the shrine of *report* the tranquil-
of a nation? Can you not recollect the
e, and do you wish to recall it, when *report*,
hearsay of *honorable* FRIENDS was *conviction*,
ruin? Can you think of this and sleep one
nent since your iniquitous vote? *I* was your
ad, none warmer had you ever, and I there-
better recollect the time, when all, and more
what you charged your countrymen with,

every

every epithet of abuse and calumny was joined to the name of GRATTAN, a name that it was *criminal* to *pronounce* and *treason* to *commend*, and against which nothing could be brought, but the *assertion* and *report* springing from bigotry and falsehood. Will you, after this, pass the same sentence upon your nation that some of its individuals passed against yourself? or have you murdered till now the glorious opportunity of revenge? and as you were then misjudged, so will you now misjudge? As you were then driven from your country, so will you now exile your countrymen? as you were then dealt with, so will you now deal out the full measure of your retributive vengeance? Are we in future to depute an English member to watch over our liberties, by protecting us from our own? are we to rely only on the patriotism and humanity of that disinterested character the friend of Mr. Fox, that the most penal laws shall not be passed against us with as little ceremony or debate, as a clause in a turnpike bill?

Immortal genius of Flood rest secure, the rival tree of the forest hath fallen, fallen while its countryman reposed under its protection, and sailed secure in its strength. I leave you now Sir, to your own reflections, to the acclamations of the Treasury Bench and to the reproaches of your fellow citizens. I am not romantic enough to expect that any thing I have said will influence your conduct, but it will at least answer one end, and that not a slight one, it will serve

as

protest against the attacks lately made, as appeal to the English nation, brave and erous as it is, it cannot be their policy to en- e us, nor do we deserve it. Faithful com- ions, approved in your days of suffering and ; in all your varieties of fortune when bad, your tumults and civil wars your constant rers and fellow-sufferers; your monarchs have ished us when rebellious, and your Cromwells Williams chastized us when we were loyal, now in happier times, have we not a claim your gratitude and justice? I fear not but will be render to us. Give us Emancipa- , render to us the British Constitution and have every thing, concord, loyalty, and hap- ss, but instead of these if you bestow penal utes and threats; we have nothing—worse nothing.

AN IRISHMAN.

THE END.

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a protest against the attacks lately made, as an appeal to the English nation, brave and generous as it is, it cannot be their policy to enslave us, nor do we deserve it. Faithful companions, approved in your days of suffering and woe; in all your varieties of fortune when bad, in your tumults and civil wars your constant sharers and fellow-sufferers; your monarchs have punished us when rebellious, and your Cromwells and Williams chastized us when we were loyal, and now in happier times, have we not a claim on your gratitude and justice? I fear not but they will be render to us. Give us Emancipation, render to us the British Constitution and we have every thing, concord, loyalty, and happiness, but instead of these if you bestow penal statutes and threats; we have nothing—worse than nothing.

AN IRISHMAN.

THE END.

[redacted]

FOURTH EDITION, WITH ADDI

A

SKETCH

OF THE

STATE OF IRELAND,

PAST AND PRESENT.

Imperaturus es hominibus, qui nec totam servitutem pati possunt, nec totam libertatem. TACIT. Hist. i. 16.

DUBLIN:

PRINTED FOR M. N. MAHON, 109, GRAFTON-STREET.

1808.

226. c. 169. 13

TO

THE MARQUIS WELLESLEY,

&c. &c. &c.

MY LORD,

I requeſt you to peruſe the following pages. Our ſentiments probably may not, in every inſtance, accord; but I truſt I ſhall convince your Lordſhip, that the ſtate of Ireland not only deſerves your attention, but imperiouſly calls upon you as a Stateſman and an Iriſhman to exert your great and increaſing influence in her cauſe, hitherto ſo conſtantly miſmanaged and ſo often betrayed.

* * *

A

SKETCH

OF THE

STATE OF IRELAND,

PAST AND PRESENT.

I. AN author ambitious of fame ſhould write the hiſtory of tranſactions that are paſt, and of men that are no more: deſirous of profit, he ſhould ſeek it from the prejudiced liberality of a party: but he whoſe object is his country, muſt hope for neither, and ſhrouded in diſintereſted obſcurity, ſhould ſpeak of ſects and factions not what they deſire, but what they deſerve, to hear: to his impartiality his own times ſhould be as thoſe of Charles or James, and the miniſters, bigots, and demagogues of his day, as Laud or Prynne, as Fitton, Hamilton or Tyrconnell.

And this ſtyle of writing—leaſt popular, leaſt profitable—is the moſt difficult, the moſt dangerous: power, always quick in revenge, is quickeſt in reaching its literary opponents; and the populace is never more ſlanderous than in arraigning his motives who could curb their violence.

II. Theſe diſadvantages—great every where—are in Ireland oppreſſive, where impartiality ſeldom thinks and never writes—party the only diſtinction, paſſion the only incitement; where the faction in and the faction out—orangemen and defenders—coercers and revolutioniſts—the Engliſh adminiſtration and the Iriſh directory, have divided between them the preſs and the nation.

I am therefore aware that my undertaking is a raſh and imprudent *novelty*, attractive neither of the light nor of the grave—of this junto or that. To ſpeak what I feel—tell what I ſee—to ſketch with a true but tranſient pencil, the ſtate of Ireland—and, in conſidering the evils and the remedies—to deliver an unbought and unbigoted opinion on the meaſure of catholic emanci-

pation—to doubt whether I ſhall be heard—to be aſſured that, if heard, I ſhall offend—to do my duty without hope, but not without fear; thoſe are my objects, this my ſituation;—the inevitable fate of contemporary truth.

III. From the date of the Engliſh eſtabliſhment in Ireland, firſt effected—afterwards extended—finally ſecured—by domeſtic treachery and the foreign ſword, there was till the laſt century, no civil government. The king's deputies, and the deputies of the deputies, were ſtrangers and ſoldiers—needy and tyrannical; their duty conqueſt—their reward plunder—their reſidence an encampment—their adminiſtration a campaign. The capital and a ſmall neighbourhood, emphatically called the PALE, the ſeats of the Engliſh, acknowledged the theoretic exiſtence, but not the practical benefit of laws. As the ſuperior arms or arts of the ſettlers changed turbulent neighbours into rebellious ſubjects, the PALE was enlarged, but they had no laws to diſpenſe, no civilization to communicate. 11

IV. I will not wade through the blood of a continual rebellion and intermittent maſſacre—

ſhores of her neighbour—William ſeized her as an outwork of England, as he took Namur for the ſafety of Holland.

VI. Reprehenſion might have ſatisfied his glory—his prudence required ſubmiſſion. Though James had abandoned the Iriſh, the Iriſh had not abandoned James: Againſt his undiſturbed predeceſſors, they had maintained deſultory but implacable war—to him expelled and outlawed they exhibited, as were their character and cuſtom, a perverſe loyalty—like their perverſe rebellion—blind to its object, atrocious in its meaſures.

589. While James and his power lingered in Ireland, he aſſembled a pſeudo-Parliament: he had choſen the members; he choſe the meaſures—the act of repeal, juſtifying all rebellion, breaking all faith—the act of attainder proſcribing thouſands by name, and millions by inference—the act for liberty of conſcience, licence to the papiſts, hardſhip to the reformed—the whole cloſed with the ſubverſion of eſtabliſhed inſtitutions—dilapidation of churches—ſpoliation of biſhopricks—denunciation, plunder, and oppreſſion of the whole proteſtant community.

VII. From the papiſt—thus lately tyrannical, now ſubdued—the proteſtant thought it juſtifiable to ſubtract all power. Obſolete penalties were revived; and new reſtraint enacted—of their ambition from the ſenate—their partiality from the magiſtracy—their force from the field; that influence, often miſuſed, ſhould not be regained, poſſeſſions were forfeited—acquiſitions 17
forbidden: that diſaffection—as it was natural—ſhould be impotent, weapons of offence were ſtricken from their hands, and the means of reſiſtance removed, as its cauſes were multiplied.

The retaliation was complete: not ſo its juſtification. William had ratified the articles of Limerick and broke them: a policy uſeful to him and his near ſucceſſors, fatal to us, enſuring temporary tranquillity and laſting diſſenſion.—Contempt would have extinguiſhed the catholic ſuperſtition, proſcription has perpetuated it.

The ſword had failed, while both had ſwords—the law had failed, while it exiſted but for one—the alliance of the law and the ſword effected ſomething. It has been called a peace, and a truce—it was a pauſe—" to the catholics" ſaid

Mr. Grattan eloquently, "a ſad ſervitude,—to "the proteſtants a drunken triumph,"—but, had James prevailed, it had been to the proteſtants neither ſad nor ſervitude—but death!—to the catholics a triumph, not drunken, but bloody!—This experience deduces from the ferocious bigotry of that ſect at that day—this, hiſtory writes or warrants—this, Mr. Grattan, in his candour and intelligence, does not doubt.

598. VIII. Where the warfare of the nations ceaſed, that of the parliaments began: The Engliſh to aſſume new, or to aſſert ancient ſuperiority—the Iriſh to deny the latter, and to reſiſt both. Then Molyneux wrote his "Caſe of Ireland,"—valuable for its matter—important in its effect—intereſting as the dawn of political diſcuſſion. It ſhook the preſumption of one parliament, and fortified the confidence of the other. Hence a more modern policy: The feat and ſtyle of the diſcuſſion was changed; the conteſt was no longer between the ſenates themſelves, but between the adherents of each in the Iriſh parliament.

A ſupremacy more complete than ſhe dared to claim as of right, England now eſtabliſhed by

influence—a courteous name for profligacy on one ſide, and proſtitution on the other. Hence a degraded population, a hireling ariſtocracy, a corrupt government—hence the low intrigues, meanneſs and miſery of three generations.

From the reign of William to that of George the IIId.—a long pauſe in the annals of our turbulence—during two Jacobite invaſions, while half 171
England was baſely heſitating, and Scotland had 174
treaſonably decided between the proteſtant prince and popiſh pretender, Ireland was tranquil—in allegiance, ſullen perhaps, but unbroken. But this is all the hiſtorian has to tell—the reſt was the ſquabble of petry pretenders to power, unimportant even in its day, contemptible in ours; youth became age, and age ſank into the grave in ſilence and ignorance; for our glory nothing was atchieved, for our improvement nothing attempted: almoſt a century is almoſt a blank.

IX. With one great exception.—On this gloom one luminary roſe, and Ireland worſhipped it with Perſian idolatry: her true patriot—her firſt, almoſt her laſt. Sagacious and intrepid—he ſaw, he dared; above ſuſpicion, he was truſted;

above envy, he was beloved; above rivalry, he was obeyed. His wiſdom was practical and prophetic —remedial for the preſent, warning for the future: he firſt taught Ireland that ſhe might become a nation, and England that ſhe might ceaſe to be a deſpot. But he was a churchman. His gown impeded his courſe, and entangled his efforts—guiding a ſenate or heading an army he had been more than Cromwell, and Ireland not leſs than England: As it was, he ſaved her by his courage—improved her by his authority—adorned her by his talents—and exalted her by
24. his fame. His miſſion was but of ten years; and
34. for ten years only, did his perſonal power mitigate the government; but though no longer feared by the great, he was not forgotten by the wiſe; his influence, like his writings, has ſurvived a century; and the foundations of whatever proſperity we have ſince erected, are laid in the diſintereſted and magnanimous patriotiſm of Swift.

This is not digreſſion—it is inſtruction; juſtice to the dead—example to the living:—it is the debt we owe, and the precept we ſhould incul-

cate;—when he is emulated, his country is redeemed.

X. The acceſſion of George the IIId. is to Ireland an æra, not of her independence, but of the diffuſion of principles, which twenty years after effected, and, in twenty years more, deſtroyed it.

Of the injuſtice of England towards America, the retribution was ſignal, and the reſult univerſal. Ambition was foiled, obſtinacy ſubdued, and oppreſſion on one, conferred freedom on both ſhores of the Atlantic. While her right arm was employed in ſcourging or curbing America, the reins and rod of Ireland were forced from the other; and diſtreſs reſigned what generoſity would never have beſtowed. Ireland thought that ſhe had attained the maturity, at which the pupillage of a people ſhould ceaſe, and ſhe undertook, in the pride of heart, the management of her own revenues, the regulation of her own family, and the maintainance of her own rank in the ſociety of nations.

Of this revolution—bloodleſs, or only bought with American blood—Mr. Grattan was the

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...nd feuds confeſſed to be unex-

...ded, neglected, and deſpiſed by their
princes, the two parties evinced a ge-
...achment to their fortunes. But the
...erit is here with the adherents to
He, to inſult, and neglect of his fol-
added weakneſs, and meanneſs, and
and cowardice, and defeat; while Wil-
...ough the friend only of Holland, and the
of Ireland, was a conqueror and a hero
...t won three kingdoms, and deſerved to win

...Between ſuch men it was not fortune that
...ded; the courage of James fled at the battle
...he Boyne, and even his hopes expired in the
...of Limerick—by conqueſt and by capitu- 1691.
...he triumph of William was complete—as
...te as he deſired—Ireland indeed was not
his throne was ſecured—with
home, ſhe had

they hoped for place, perhaps preponderance; in vain—the independence was nominal, the connexion real. Diſappointment enſued, and diſſatisfaction. Nor were theſe confined to the catholics. The volunteers, a great body of all religions, heated by popular diſcuſſions in military aſſemblies—confiding in their arms and numbers—bold in their impunity, and infected with licentious politics, they wiſhed what they dared not ſpeak, and would gladly have taken what it were treaſon to demand.

1783. XI. In this tumult the catholic was again exigent, and the proteſtant indifferent, or favourable; further relaxation enſued, and more general tumult.

Minds became unſettled—the ſtate feeble—inſurrection ſtrong; in the north, an armed parliament diſcuſſed and deſpiſed the laws; but confined itſelf to ſpeculative treaſon.—In the
1784. ſouth there was actual war: midnight inſurgents ſeized whole counties; at the cloſe of the day, the populace roſe—and all was confuſion, and cruelty, flakes of fire and ſtreams of blood, till the dawn; evils real or imaginary, *the excuſes*—evils monſtrous and inevitable, the

conſequences. They evaded the law—they eſ- 17
caped the ſword; at laſt they defied both. The nights were nights of plunder—the days of puniſhment—and both of horror.

Then, as now, the diſeaſe was referred to the ſeverities of the popery code, and tythe ſyſtem—the remedy ſuggeſted in the repeal of both. But the alleged grounds of Iriſh inſurrection are ſeldom real. The rebellion is raiſed firſt, and the grievance found afterwards: as between individuals of our nation, the quarrel often precedes the oſtenſible offence.

XII. While further indulgences to the 17
catholics were granted, and others in progreſs, the French revolution, having filled its own country brimful with miſery, began to overflow upon ours. Much of that event Ireland had already anticipated—for the reſt ſhe was prepared. She had had her national convention—her national guards—her reform—and her conſtitution; ſhe too was doomed to have her rebellion—her deſolation. The courſe ſomewhat leſs bloody—the event more fortunate—but neither totally diſſimilar.

793. Again, the claims of the catholics, and again, the conceſſion of the government; the offenſive code repealed in *more* than they deſired—almoſt all that it contained; nothing reſerved but the command of armies—the dignities of the law—the ſenate and the throne.

And thus the queſtion now ſtands!—where will it reſt?

XIII. In obtaining theſe conceſſions, Mr. Grattan was aided by the Lords Mountjoy and O'Neil, the earlieſt friends of the catholics—the firſt victims of the rebellion. Againſt them ſtood—ſometimes alone—Fitzgibbon, Earl of Clare: a man not to be omitted in even a *ſketch* of Iriſh hiſtory. Of extraordinary endowments, great acquiſitions and tranſcendant arrogance. Bold and voluble in his ſpeech, daring in his counſels, and fixed in his reſolves, the ſtature of his mind overtopped his aſſociates, and collected upon him the eyes of all—the ſhafts of many: an humble origin could not moderate his pride, though ſucceſs and almoſt ſupreme power ſeemed to temper it. In wrath, leſs violent—than ſudden; in revenge, not frequent—but implacable; he deſerved more political friends—fewer

enemies; but there was ſomething in him that would be obeyed, and his opponents fled, and his party fell before his victorious and envied aſcendancy. As chancellor,—like Shafteſbury—he had no enemy, and adminiſtered juſtice with undivided applauſe. In private, he was amiable;—to his family, his friends, and his followers—indulgent, faithful, generous, and kind. In peaceful times, he would have been beloved—and loſt.——In days of ferment, if a demagogue, he would have ſubverted, as, when miniſter, he ſupported the pillars of the ſtate.

The popiſh religion he thought unfavourable to freedom and knowledge—its profeſſors hoſtile to the government and conſtitution. Hence, his oppoſition to all indulgences of that ſect; always conſiſtent—often imprudent.

As Mr. Grattan is called traitor—ſo is Lord Clare—tyrant; with equal falſehood: When prejudices ſhall be buried in the graves of theſe illuſtrious rivals, we ſhall probably confeſs that both were ſincere—both fallible; both honeſt—both miſtaken; human in their errors and parties—immortal for their virtues and patriotiſm.

98. XIV. The hordes of petty rebels, that for twenty years, under twenty barbarous names and pretences, had harraſſed the land, now ſank into one great union againſt all civil and eccleſiaſtical inſtitutions—the legacy of the American conteſt paid by France. The conflagration was general: war on every ſide—in Ulſter of politics—elſewhere of bigotry. The diſſenter fought—the papiſt maſſacred—the loyaliſt cut down both. Some provocation there may have been—much vengeance there was; but where moſt, if any provocation, leaſt ſlaughter, no cruelty; where no previous oppreſſion, moſt blood, much torture. The details of this rebellion—realizing all we read of 1641—I bequeath to the bigotry of both parties—its objects however are intereſting to the enlightened; that of the diſſenters—a republic; that of the papiſts—popiſh aſcendancy; of both connexion with France, ſeparation from England: Its reſults too are important; union with England, ſeparation from France, and both, it would ſeem, eternal.

XV. From the principles of 1782 ſprang inevitable connexion with France, or union with England. The late atrocities decided and acce-

lerated the choice—not without heſitation. A haughty ariſtocracy and a proud people did not eaſily reſign their power and their name; nor an aſpiring gentry their hopes; all about to be loſt in Britiſh aſcendancy. The averſion was almoſt unanimous, and twice victorious. But Mr. Pitt was undaunted: enlightened and intrepid, he ſaw that this vital meaſure, once propoſed, muſt be carried, or the country loſt. On the object he was fixed, and of the means not ſcrupulous—deceit of the good—intimidation of the weak—exaſperation of parties, and a wide corruption.

Nor did his opponents, while denouncing, decline to imitate his practices; both parties, let us own, addreſſed themſelves to the beſt paſſions of mankind, and to the worſt; but with different ſucceſs—the honeſt preferred England to France, the baſe, poſſeſſion to expectancy, and the act of union was paſſed—ſtrange to add, without bloodſhed. But the parties had been rather enthuſiaſtic than cordial. Each feared its own ſucceſs; the oppoſition their's, as dangerous—the unioniſts their's, as degrading—to the country. The victory was without triumph, and the defeat without dejection.

XVI. The Earl of Hardwicke's ſucceeded the union adminiſtration. His manners were gentle, but inſincere—his mind elegant, but vindictive—his intentions, if pure, perverted. His councils,—by his friends alleged not to be his own,—were, towards the end of his adminiſtration, weak and double. By his public and private gentleneſs—ſome oſtentatious charity and the univerſal purchaſe of the preſs, the ſhadow of popularity was acquired—and with this ſhadow he was contented, and England deceived, and Ireland darkened. Inactivity on the one part, was mildneſs and conciliation—ſullenneſs on the other, content and gratitude. On this calm of conciliation and content
03. burſt forth another rebellion—ſhort in its duration—contemptible in its actions—but ſerious in its unfounded depth and unknown extent. The policy of that day under-rated the danger—and the peril of Ireland was forgotten in a ſquabble between the Governor and the General.

XVII. In aid of the union the catholics had been courted—but the miniſters had promiſed what they could not perform, and abſconded from their offices to ſave their credits. They had now returned to power—and the holders of the pro-

miſes demanded their amount. The miniſter did not refuſe, but aſked time, to pay. *He* would have temporized, but England is not tolerant of popery, nor Ireland of ſuſpenſe; both parties haſtened on to a diſcuſſion, in which the catholic was ſucceſsfully oppoſed by ſome, who had, two 18c
years before, favoured—and violently ſupported by others, who, two years after, ſacrificed him. Such are the inconſiſtencies of faction.

Ireland ſank back into her ſilence—and all again was mild and grateful and hollow, till the departure of Lord Hardwicke, bequeathing to his ſucceſſor inſurrection in five counties, and diſcontent in twenty.

XVIII. That ſucceſſor was John Duke of Bed- 180
ford, amiable and honourable, but by party connections unfitted for the ſtation of viceroy. He was the heir of the influence of his brother Francis, the inconſiſtent duke, whoſe democratical folly Burke has immortalized; he inherited likewiſe his politics and party; that party Mr. Fox —that great and weak, that amiable but miſchievous man—conducted in England, and the Ponſonbies in Ireland. In oppoſition at the time

of the French revolution, they naturally and unfortunately connected themſelves with the friends of that event. But that event was too ſtrong for them and for itſelf. Revolution became ſubverſion—entangled in its anarchy they could neither reſtrain their aſſociates, nor diſengage themſelves, and Europe ſaw with wonder a Britiſh ariſtocracy interchanging praiſes and principles with the democrats of France.

XIX. Heartily they repented, but in private; and, until they had given miniſterial proofs of their converſion, they poſſeſſed the diſgraceful confidence of the diſaffected in both countries. At their exaltation, the intemperance of their late aſſociates in Ireland knew no bounds: The advent of the Whig viceroy was hailed by the voices that had before hailed the coming of the French. To his firſt levee crowded, in the levelling audacity of their joy, perſons of every rank, except the higheſt—of every deſcription but the loyal: from their concealment or exile ſuddenly emerged the unexecuted patriots of 1798, bearding and inſulting the very magiſtrates before whom they had been convicted: Some indiſcreet legal promotions, ſome ill-adviſed civil

appointments raiſed to confidence the hopes of thoſe fanatics; but raiſed only to overthrow. The viceroy, awakened to his ſenſe and dignity, and the chancellor,* illuſtrious by his birth and talents, were diſguſted at the vulgar fellowſhip, and alarmed at the traiterous inſolence. They did ſomething, and ſhould have done more, to the repreſſion of both; but they wiſhed not, or dared not to exaſperate an unforgiving faction, and by their want of deciſion loſt one party without gaining the other: all were diſaffected or diſſatisfied.

May I here indulge a private ſentiment, and hope that the ancient and eminent houſe of Ponſonby has finally reſumed its pride and ſtation—that baſeneſs and ingratitude have not ſhown themſelves in vain—that deluſion private and political has vaniſhed for ever—that the tranquillity of our native land may again be its triumph, and the hatred of our enemies its popularity.

XX. The intreaties and intrigues of the miniſtry, their late partizans, and the adverſe opinion of many of their own ſect, could not diſſuade the catholics from another parliamentary

* George Ponsonby.

appeal for indulgence. I cannot blame their reſolution; I did not think it untimely; I can never think it unjuſt; but I blame, I denounce, as traiterous to the conſtitution, and ruinous to their cauſe, the ſpeeches then publiſhed by their pretended and pernicious friends—fatal advocates—if, indeed, their object was catholic emancipation, and not catholic inſurrection.

To ſtifle this appeal, that threatened it with diſſolution, the miniſtry propoſed a ſubſtitute—an expedient—to buy the catholic cheaply, to deceive the king ſafely, to eſtabliſh themſelves permanently. It had a double face, this meaſure; and I ſcarcely know by which to deſcribe it: It was repreſented—to the catholic, as opening to him every rank of military honour—to the king, as giving nothing new, but merely raiſing the *Engliſh* catholic to the *Iriſh* level: In Dublin, it was a triumph to Ireland; at Windſor, it was juſtice to England:—but the fraud met its fate; the Britiſh king refuſed to decorate the Roman triumph. Scorned by the ſovereign, the catholic, and the proteſtant—the miniſtry were driven from the cabinet, and at the enſuing

elections hardly found their way into the ſenate.

I regret, not the loſs of this bill, but that it—or a more liberal—was not candidly propoſed, and honeſtly carried. I lament, not that the miniſters have loſt their places, but that their deſerved failure has diſgraced and endangered a good cauſe, and diſappointed and diſturbed an unhappy people.

XXI. Thus far we have walked in the footſteps of time, and heard the voice of hiſtory—Events lead us to experience, experience to improvement; there remain then for inquiry the preſent evil—the future remedy.

Nations have moral as well as phyſical climates, and no good is practicable—no inſtitution can be permanent, that is not fitted to the national temperament. The plant of the eaſt withers in the weſt, the animal of the north degenerates in the ſouth. We have but lately and imperfectly learned, that political modes which exalt one country may debaſe another.

The ſelf-confidence of England in her ſyſtem, is wiſdom at home and folly abroad: ſhe would have Corſica and India, like Wales or Devon, and has loſt one, and riſked the loſs of the other. France, by a contrary ſpecies of the ſame madneſs, introduced foreign principles into her government, and loſt herſelf. Humanity rejoices that ſhe has ariſen from the grave of democracy; and thoſe even, who think worſt of her Deliverer, aſſent to my reaſoning, by attributing his ſucceſs to the wiſe congeniality of his inſtitutions.

Ireland—and in a greater degree than other countries—has feelings that muſt be flattered; and prejudices and habits, that, to be conquered, muſt be ſoothed. She muſt not be ſtretched on the procruſtan bed, or lopped or lengthened to an iron ſcale. Thoſe that legiſlate for her ſhould know her, and their ſyſtem ſhould be elaſtic and accommodating.

Thus impreſſed, I trace the outline of our manners freely, and, if I can, truly.

XXII. Its popular character and cuſtoms diſ-
ſh and diſincline Ireland from England.

Varieties have been ſought in the national diſpoſition, referable to the double origin of the people: in vain: however differing in rank, party or anceſtry, they bear the indelible mark of a common nativity. Reſtleſs yet indolent, ſhrewd and indiſcreet, impetuous, impatient, and improvident, inſtinctively brave, thoughtleſsly generous; quick to reſent and forgive offences, to form and renounce friendſhips; they will forgive injury rather than inſult; their country's good they ſeldom, their own they careleſsly purſue, but the honour of both they eagerly vindicate; oppreſſion they have long borne, inſolence never.

With genius they are profuſely gifted; with judgment ſparingly; to acquire knowledge they find more eaſy than to arrange and employ it: inferior in vanity only to the French, and in wit ſuperior even to the Italian, they are more able to give, and more ready to receive amuſement, than inſtruction: in raillery and adulation they freely indulge, and without malignity or baſeneſs. It is the ſingular temper of this people that they are prone equally to ſatirize and to praiſe, and patient alike of ſarcaſm and flattery.

Inclining to exaggerate, but not intending to deceive, you will applaud them rather for ſincerity than truth. Accuracy is not the merit, nor duplicity the failing of a lively but neglected and uncultivated people. Their paſſions lie on the ſurface unſheltered from irritation or notice: and cautious England is glad to recognize the Iriſh character only by thoſe inconſiſtencies and errors, which her own novercal government has produced or perpetuated.

XXIII. In their domeſtic life, the gentry and traders differ from the Engliſh of equal rank, not in eſſentials, but in modes. Here are leſs neatneſs and œconomy, more enjoyment and ſociety. Emulative profuſion is an Iriſh folly. The gentry would rival the nobility; the merchant affects to ſurpaſs, and the ſhopkeeper to approach, the ſplendour of the gentry. Hence patrimonies are dilapidated; hence capital is diverted from buſineſs to pleaſure; the profit of one enterprize is not, as in England, embarked in another, but ſunk in a villa or an equipage. The Engliſh trader bequeaths, the Iriſh enjoys; but his enjoyment is not often elegant, nor always ſecure.

The nobility and affluent gentry ſpend much, or all their fortunes and time in England; leaving their places to be filled, in the country, by hired agents—in the city, by a plebean ariſtocracy: the former, ſolely engaged in encreaſing and collecting rents, can have little conciliatory power with the people; and the influence of the latter tends rather to encreaſe than diminiſh the political danger.

A great evil. Not becauſe the country is drained by remittances, but becauſe ſhe is widowed of her natural protectors: the loſs is, not of money, but manners—not of wealth, but of civilization and peace.

XXIV. The condition of the peaſant was of late utterly, and is ſtill almoſt, barbarous. What the Romans found the Britons and Germans, the Britons found the Iriſh—and left them: neglect or degeneracy of the coloniſts, and obſtinacy of the natives, have preſerved even to our day living proofs of the veracity of Cæſar and Tacitus: Of this, many will affect to be incredulous—of the Iriſh, leſt it diminiſh the character of the country—of the Engliſh, becauſe it arraigns the wiſ-

dom and policy of their ſyſtem. But the experienced know it to be true, and the impartial will own it.

The cultivator of the land ſeldom holds from the inheritor; between them ſtand a ſeries of ſub-landlords and tenants, each receiving a profit from his leſſee, but having no further intereſt or connexion with the ſoil; the laſt in the ſeries muſt provide for the profits of all—he therefore parcels out, at rack rents, the land to his miſerable tenant. Here is no yeomanry—no agricultural capitaliſt; no degree between the landlord and labourer; the words "peaſantry" and "poor" ſynonimouſly employed.

XXV. Their dwellings are of primitive and eaſy conſtruction—the walls and floors of clay, the roof of ſod or thatch: within are two unequal diviſions; in the ſmaller, filthy and unfurniſhed, you will hardly ſuppoſe the whole family to ſleep; in the larger, on a hearth, without grate or chimney, a ſcanty fire warms rather by its ſmoke, than its blaze, and diſcolours whatever it warms. Glazed windows there are none, the open door amply ſufficing for light and air, to thoſe

who are careleſs of either. Furniture they neither have, nor want;—their food and its preparation are ſimple, potatoes or oaten cakes, ſour milk, and ſometimes ſalted fiſh. In drink they are not ſo temperate: of all ſpirituous liquors they are immoderately fond, but moſt of whiſkey, the diſtilled extract of fermented corn. In many diſtricts, by an ingenious and ſimple proceſs, they prepare this liquor themſelves, but clandeſtinely, and to the great injury of national morals and revenue. Were they allowed, by private diſtillation, to indulge their taſte for inebriety, their own vice would more effectually ſubdue them than centuries of war.

XXVI. Their dreſs is mean and ſqualid; particularly of the females, whom you would not always diſtinguiſh from men by their attire. Of perſonal cleanlineſs they have no care. Both ſexes wear, in winter and ſummer, long woollen coats or cloaks, derived from, and ſimilar to, the ſagum of their anceſtors. The children are generally half, and ſometimes altogether naked, living, without diſtinction of ſexes, in dirt and mire, almoſt with the cattle. Yet from this nakedneſs and

filth, they grow up to that ſtrength and ſtature for which they are admirable.

XXVII. The peaſantry of Ireland are generally of the Roman Catholic religion, but utterly and diſgracefully ignorant—few among them can read, fewer write. The Iriſh language, a barbarous jargon, is generally, and in ſome diſtricts excluſively ſpoken: and with it are retained cuſtoms and ſuperſtitions as barbarous. Popiſh legends and Pagan tradition are confounded and revered: for certain holy wells and ſacred places they have extraordinary reſpect: thither crowd, the ſick for cure, and the ſinful for expiation, and their prieſts, deluded or deluding, enjoin thoſe pilgrimages as penance, or applaud them, when voluntary, as piety. The religion of ſuch a people is not to be confounded with one of the ſame name profeſſed by the enlightened nations of Europe.—The Univerſity of Paris has ſome tenets, in common, perhaps, with the Iriſh papiſt, but does *it* believe that water reſtores the cripple, enlightens the blind, or purifies the guilty?

XXVIII. In agricultural purſuits they are neither active nor expert: hereditary indolence

would incline them to employ their lands in paſturage, and it is often more eaſy to induce them to take arms, for their country, or againſt it, than to cultivate the earth, and wait upon the ſeaſons. Even at this day the ſons of the old inheritors are ſuſpected of being more ready to regain their poſſeſſions by their blood, than by their labour. Their very amuſements are polemical; fighting is a paſtime which they ſeldom aſſemble without enjoying; not, indeed, with iron weapons, but with clubs, which they always carry, and frequently and ſkilfully uſe. When not driven by neceſſity to labour, they willingly conſume whole days in ſloth, or as willingly employ them in riot; ſtrange diverſity of nature, to love indolence and hate quiet—to be reduced to ſlavery, but not yet to obedience.

XXIX. Who will call this people civilized, or wonder that they are turbulent?—Who confide in the empiric promiſing to cure ſo complicated a diſorder by a ſingle ſpecific?—It is but too plain that there is ſomething to be lamented, and, if poſſible, changed, in the character of the nation—much in its habits—more in the accidental circumſtances in which it languiſhes; and it is

alſo evident, that no individual remedy can reach and reform evils ſo heterogeneous. Party indeed is blind, and ignorance adventurous; but when the ſtate of Ireland is hereafter diſcuſſed in the Imperial Senate, we truſt that few may be found of the prejudiced, and none of the ignorant.

XXX. Friendly—on principles and conditions hereafter to be developed—to catholic emancipation, I cannot believe it panaceatic—alone beneficial—alone neceſſary. It will be a part—perhaps great—probably ſmall—of any enlightened ſyſtem of Iriſh policy; but it is not itſelf a ſyſtem.

Who can be emancipated, and from *what?* At moſt ſix Lords—one hundred and fifty commoners—and twenty eccleſiaſtics—from four or five diſabilities, which reach not—intereſt not the maſs of their community. Theoriſts trace from the political excluſion of the peer, the mental debaſement of the peaſant—truly, perhaps, in a people affluent and enlightened;—truly in ſmall and poliſhed ſtates; falſely in a great maſs of penury and ignorance. Diſpel the gloom—enrich the penury, the crowd may then—and not till then—

become ſympathetic to the feelings of honour and ambition: Hence, I reaſon, that to mere emancipation there are previous paramount duties; that enlightening two millions of catholics is more important than indulging two hundred.

But the Iriſh proteſtant, has he no grievance—labours he under no diſability? has he no cauſe, or taint of diſaffection? Your proteſtant tenants—few in numbers;—your proteſtant artizans and manufacturers, a great and pining population—aſk them for a deſcription of their excluſive paradiſe. In all that regards happineſs and power you will find them to be catholics, reading the liturgy; as the catholics are proteſtants, ſinging the maſs. Emancipate *them*, emancipate all;—vivify your country—not in details, but in generals—not in extremities, but at the heart.

XXXI. To catalogue and claſs the diſeaſes and remedies would be a treatiſe. I only ſketch—happy if what I write haſtily be read at all.

Compendiouſly, then—the ſprings of our miſfortune are five-fold:—1. the ignorance—2. the poverty—3. the political debaſement of the infe-

rior orders: 4. the catholic code: 5. the provinciality of the government.

1. Domeſtic œconomy, agricultural improvement, the love and knowledge of the laws, the detection and expulſion of ſuperſtition, the growth and influence of true piety, who can expect them among a people utterly dark and blind? Of four millions—the probable population—one million perhaps can write and read—of this million, three-fourths are proteſtants and proteſtant diſſenters:—there remains a ſolid maſs, of dangerous and obſtinate ignorance—not all—but chiefly—catholic. The laws of God they take on truſt—of the land on gueſs, and deſpiſe or inſult both. The Government publiſhes proclamations—the rebel chiefs manifeſtoes—the rebel ſoldier reads neither—his ſpiritual or ſecular leader he follows into *implicit* treaſon; incapable of diſcuſſing motives or being enlightened by reſults: and thus the folly and defeat of one inſurrection do not deter from another.

In all our perils—it is an important truth—the real danger is in thoſe who cannot read, the true ſecurity in thoſe who can. Superior knowledge

is one cauſe and branch of the Proteſtant aſcendancy—from which the Catholics muſt emancipate themſelves.

XXXII. The remedy of this evil muſt be ſought in its cauſes,—a narrow and ſectarian plan of public education,—the miſtaken policy of the Popiſh prieſthood,—the abſence or indolence of the eſtabliſhed clergy,—ſources of more and greater evils than Ireland thinks, or England would believe.

To the Government, I ſhould ſay, "Educate your people;"—I care not by what ſyſtem, if it be capacious, nor at what coſt, if it be productive.

Between ſyſtems of public inſtruction I will not decide; *that*, however, muſt be preferable, which acts moſt by incitement, and leaſt by force. I ſhould even—not unheſitatingly—venture to propoſe, that thoſe only ſhould vote at elections, who could write and read their own affidavits of regiſtry. This principle is not novel in our conſtitution; our wiſe anceſtors promoted learning by granting, even to criminals, the benefit of clergy.

Would it not be as efficacious, and more juſt, to extend to a certain proficiency in letters, not pardon, but privilege—not impunity in crime, but advancement in political power? Is it not monſtrous, in theory as well as practice, that the groſſeſt ignorance ſhould influence the choice of a legiſlator, as much as the moſt cultivated underſtanding—that the enlightened ſhould be overborne in the higheſt exerciſe of rational liberty, by the rude and barbarous? Yet thus it is, and the primary aſſemblies of Ireland are ſwayed by brutal ignorance and profligate perjury.

We have ſeen in ſome counties the majority of conſtituents driven, like cattle, to the huſtings. We have ſeen them—unable even to ſpeak Engliſh—attempt to poll in Iriſh. We know that theſe miſerable creatures are weapons wielded by the gentry againſt each other at elections, and by demagogues againſt the gentry in rebellions. Is this to be borne?—From ſuch turbid and poiſoned ſources can the ſtream be pure and ſalutary?

To the Catholic prieſthood I ſhould ſay, "You profeſs to be miniſters of light, not of darkneſs,

you *ſhould* advance learning, you SHALL not impede it—your tenets ſhall not be invaded, but your flocks SHALL be inſtructed—the ointment producing blindneſs ſhall be uſed no longer. If you will not co-operate in a generous ſyſtem of national education, expect no favour from the nation; you ſhall have none."

But to the eſtabliſhed clergy what ſhall I urge? The times, momentous to all, are critical to them; their flocks turbulent, their revenues invaded, their very hierarchy aſſailed;—theſe are not days for ſloth. Ireland is divided into 2500 pariſhes, melted down into 1200 benefices, on which there are but 1000 churches; the 1200 beneficed clergy of theſe 2500 pariſhes, where are they? one-third of them are not reſident—abſentees from their duties—mortmainers upon the land! The catholic prieſt, the diſſenting miniſter, the methodiſt preacher, are they ſupine or abſent? Are they without proſelytes and converts, without intereſt or influence with the people? A friend to religion, I am an enemy to ſalaried idleneſs. To 2500 pariſhes I would have 2500 parſons; no curates at fifty, nor abſentees at two thouſand pounds a year; no ſtarving zeal, no

lazy affluence. The eſtabliſhment, which laymen are invoked to defend, churchmen ſhould ſupport by their preſence, dignify by their piety, and extend by their example.

XXXIII. 2. Of the exactions of the owners, and the indigence of the cultivators of land, miſerable are the conſequences. Landlords without friends or influence—a peaſantry, without intereſt, almoſt without livelihood in the country—nothing to defend—nothing to love—deſpairing and deſperate—ripe and ready for change.

The evil is plain, the remedy not ſo evident.

The price of the uſe of land, can—at leaſt ſhould—never be reſtrained by law; free competition is the life-blood of commerce, and the relation of landlord and tenant, in the matter of rents, is purely commercial. The appeal therefore is to the good feeling and good policy of the landholders.

In England the law of public opinion, as well as the law of reaſon, terrifies a landlord from the plunder of his eſtate—much of it is at

his will; but his will is wiſdom, or the wiſdom of others reſtrains his will; and he is glad—or obliged—to content himſelf with juſt profits ſtrictly paid, by a thriving tenantry. Where there is a protection on one ſide, fidelity on the other, and confidence on both, the faireſt tenure is at will: rents then fluctuate with the price of produce, and the reſults are profits duly apportioned. Theſe reſults theoriſts propoſe to obtain by conditional leaſes, and clauſes of ſurrender and redemption, but unfortunately it is ſtill a theorem.

In Ireland, tenure at will, is indefinite oppreſſion—tenure by leaſe, oppreſſion by leaſe; rents are, not the proportions of, but nearly the whole produce. The actual cultivator ſeldom better paid then by ſcanty food, ragged raiment, and a miry hovel; nothing ſaved for exigencies—nothing remitted for capital.—The peaſant and the land alike neglected, impoveriſhed and ſtarved.

The theoriſt ſays, this, like other commerce, will find its level.

Experience ſays to the theoriſt, it will not. The peaſant's ſpirit is broken—he thinks not of independence,—dreams not of property, unleſs in dreams of inſurrection. His wiſhes have no ſcope; he is habituated to derive from his land and his labour, only his daily potatoe: and we know, that competitors offer the whole value of the produce, minus that daily potatoe—ſometimes more than the whole value is promiſed, and nothing paid; the tenant, for a few months, appeaſes his hunger; quarter day approaches,—he abſconds; and the abſentee landlord in Dublin or London, exclaims at the knavery of an Iriſh tenant.

In the mere ſpirit of trade, what can landlords expect from tenants without capital or credit? From impoveriſhing the fountains of their wealth? From denying their factors even a commiſſion on their profits?

But a landlord is not a mere land merchant; he has duties to perform, as well as rents to receive; and from his neglect of the former, ſpring his difficulty in the latter, and the general miſery and diſtraction of the country. The combinations of the peaſantry againſt this ſhort-ſighted mono-

poly, are natural and fatal. Whoever aſſembles the Iriſh, diſturbs them; diſturbance ſoon coaleſces with treaſon, and the ſuicide avarice, that drives the peaſantry to combine, precipitates them to rebel.

XXXIV. Tythes—the pretence, therefore, and cauſe of an hundred inſurrections—belong to this part of the ſubject. A tax more vexatious than oppreſſive, and more impolitic than either: vexatious, becauſe paid directly and in kind, at unequal and fluctuating rates: impolitic, becauſe it is vexatious—becauſe a people, unanimous in this alone, declaim againſt it—becauſe it might be replaced by a more equal, certain, and ſatisfactory impoſition.

But they are not unjuſt—not even oppreſſive—rather profitable to the tenant, computed as a tenth in his bargain, ſeldom amounting to a twentieth in his payment. Nor are they levied from the popiſh peaſant, for the proteſtant parſon. By the peaſant, popiſh or proteſtant, they are not in fact paid; for his head-rent

is always diminiſhed by more than their amount. Thoſe who occupy tythe-free lands pay, in the encreaſed rent, a double tythe—hence follow, that tythes are really the contribution of the landlords; and that to aboliſh them, without condition or ſubſtitute, would be a direct donative to the rich, at the expence of the clergy and the poor.

If aboliſhed, they muſt be replaced, or the church eſtabliſhment overthrown—the latter alternative I diſmiſs from my thoughts: and ſhall only conſider of the fitteſt ſubſtitute. I diſregard--as an obſtacle--the divine origin of tythes; and diſallow the claims of the church to them, as the hereditary property of thoſe, whoſe clerical character is not itſelf hereditary. In Levi's family it might be juſt, that tythes ſhould deſcend, becauſe the prieſthood did; but here they are—as they ſhould be—the property of the ſtate, that pays its eccleſiaſtical, as it does its civil, military, and fiſcal officers, with equal powers of change, modification, and controul.

It has been propoſed to replace them—by "a

commutation for glebe," impracticable from its complication;—"a corn rent," more oppreſſive and vexatious than the preſent evil;—"an acreable land-tax," leſs objectionable, but unſatisfactory and unequal, as computed on the unalterable meaſure, and not on the various and fluctuating values of land.

I propoſe a ſyſtem—not perfect perhaps, but preferable. *A poundage upon all rents*; not of a tenth, perhaps not a twentieth, probably of a thirtieth or fortieth.

The clergy, in great towns, are amply and cheerfully paid, by a rate on the eſtimated value of each houſe. My propoſition would improve and extend this ſyſtem over the whole country.

In 1787, an intelligent prelate computed the average of each clergyman's annual income, at 133l. 6s. I will ſuppoſe it now to be 250l.—the benefices fewer than 1200—the eccleſiaſtical eſtabliſhment leſs, therefore, than 300,000l. But 6d. in the pound—one-fortieth—on the rent-roll of Ireland, would produce 500,000l. A

ſum adequate to the payment of ALL the clergy, proteſtant, catholic, and diſſenting.

I paſs over the details, I truſt practicable, to arrive at the reſults, certainly beneficial—the peaſantry relieved, at leaſt appeaſed—the landlord ſecured—the proteſtant clergy amply indemnified—the catholic prieſthood, the ſervants of the Britiſh empire, not of Rome, their power of good encreaſed, of evil deſtroyed, and their preſent precarious and illegal livelihoods replaced by a conſtitutional and honourable proviſion—a chief cauſe of animoſity eradicated, and the country indulged, improved, perhaps tranquillized, by the extenſion of a principle already familiar and approved.

XXXV. 3. The practical debaſement of the lower orders of ſociety, is compounded of their ignorance and poverty, already examined—of the injuſtice or contumely of their ſuperiors, to diſcuſs which, might exaſperate theſe, inflame the others, and injure all,—and laſtly, of the dearneſs and difficulty of legal redreſs, not to be paſſed over unlamented—unreprehended.

The law has never thoroughly mingled itſelf with Ireland; there lately were, perhaps ſtill are, diſtricts impervious to the king's writs—caſtles fortified againſt the ſheriff, and legal eſtates invaded by force of arms—contumacies, not frequent indeed, but from which an enquirer will deduce, not unfairly, ordinary diſreſpect for the law. This in civil caſes. In criminal—how large a ſhare of our juriſprudence—witneſſes not unfrequently ſuborned, intimidated or murdered—juries ſubdued—felons acquitted. In common tranſactions, the adminiſtration by juſtices of the peace, ſometimes partial—generally deſpiſed, and unſatisfactory. The body—in England ſo effective—of mayors, bailiffs, and conſtables, unknown, or known as a jeſt. Pariſh offices, ſinecures: The great man and the ſtrong man executing, the poor and weak ſuffering, the law.

The blame is not eaſily apportioned—much is in the pride and folly of the gentry: much in the native perverſeneſs of the people: much in the indifference of the government: ſomething in an indiſcreet nomination of magiſtrates: more, and moſt of all, in the exorbitant taxation of legal

proceedings, by which the law has become, not a refuge to the poor, but a luxury to the rich. The courts are open to the indigent, only as ſpectators; the peaſant, oppreſſed or defrauded to the amount of 10l.—cannot buy even a chance of redreſs in the lottery of the law for leſs than 60l. By victory or defeat he is equally and irremediably ruined. This ſyſtem *muſt* be amended—abandoned.

I conſider the habitual weakneſs of the law, as the firſt cauſe of the habitual weakneſs of the land, from Henry to George.

The thoughts of thoſe who read for ideas, not words, will fill up my outline. Let us hope that the wiſdom of the legiſlature will ſoon eraſe it.

XXXVI. 4. On the ſubject of catholic emancipation all men ſpeak and write, but few candidly—its ſupporters and its opponents are equally injudicious or unjuſt; the reaſon is, that the parties of the ſtate have divided the queſtion between them; and conteſt it, not for its ſake, but their own: it is the means, not the object of the war.

The Roman empire was divided into two factions, and the green and the blue diſtracted the civilized world. Did the civilized world bleed for the colour of an actor's coat, when they ſeemed to do ſo? No. They bled for their party, not for its ſymbol. Catholic emancipation is the green and blue of Ireland, the colour of the diviſion, not the cauſe. This, Emmett and Mc. Nevin, liberal, ſagacious, and well informed, have admitted: though Keogh, Newport, and Parnel, furious, ſhallow, and bigoted, deny it.

How elſe could half a nation ſo pertinaciouſly ſeek, and the other half refuſe an almoſt empty privilege? How elſe can it have happened that every conceſſion has produced commotion, and complaint encreaſed as the grievance diſappeared? Twenty years ago there was much to deſire, and to refuſe, and the catholic code was ſcarcely thought of: there now remains, unconceded, nothing in which the *people* are concerned. Yet to the catholic code is attributed all our misfortunes. The truth is, the parties have made the queſtion, not the queſtion the parties.

XXXVII. Let us review and refute the ſophiſms of both; and firſt of the emancipators. 1. 'The merits of the catholics.'—What merits? They have been loyal in 1745 and 1797: perhaps in 1798 and in 1803: but if they were—as they were not—unexceptionably loyal, what is the merit? Is it a virtue not to be criminal; is, not to rebel, ſupererrogation? Admit, however, the merit: has it not been already rewarded? A century of penalties remitted in half a ſcore of years, is it no boon? Admit, ſtill, that the reward was inadequate; We then aſk, was the catholic ſo much *more* loyal than the proteſtant, that the latter ſhould be ſtripped of his aſcendancy to clothe the former? The concluſion is, that he, who vaunts his loyalty as a merit, has little merit in his loyalty, and that when catholic merit is pleaded againſt the aſcendancy, proteſtant merit ſhould be pleaded for it, and a balance ſtruck. 2. The emancipators allege 'the force and power of the catholic body,' and apply the argument doubly; offering aſſiſtance—or threatening oppoſition. What new aſſiſtance can we have? Two-thirds of our military are already

catholics; becauſe two-thirds of our population are ſo. If the proportion of catholic ſoldiers and ſailors be greater, it is and will be ſo, becauſe they are the poorer ſect; poverty, in all countries, takes refuge in the armies; nor would catholic emancipation make one man in Ireland a ſoldier, who had wealth enough to remain a citizen. Thus vaniſhes their promiſed aid. Their hoſtility I do not fear. The catholic force can never be united againſt the preſent eſtabliſhments of law and property; and, if it ſhould, it would find that phyſical ſtrength is not the beſt part of power. 3. It has been alleged that 'all our diſturbances have ſprung from the hardſhips under which the catholics labour.' What is this, but to ſay, that they are *not* patient and loyal—that the rebellions and maſſacres, which we hoped were political, have all been *catholic*; the works of a perverſe and peſtilent ſect, incapable of gratitude, unworthy of indulgence, unfit for toleration. Such is the falſe and deteſtable allegation of the partizan, eſpouſing the catholic cauſe without affection, and calumniating his friends to dupe his opponents. But let *us* not charge upon the catholic as a crime, the frenzy of his advocate.

4. 'The moral unjuſtice of the catholic laws' is vehemently urged, but not eaſily proved. The papiſts, when able, proſcribed the proteſtant: the victorious proteſtant copied the papiſt ſtatute againſt its enacters. We may doubt that this was wiſe, but not that it was juſt. Who pities the inventor and victim of the brazen bull? 'But it is unjuſt,' the catholics add, 'that the minority of a people ould reſtrict the majority, which majority we are.' True, numerically, as two exceed one. But if rank, property, education, induſtry, ſkill, manners, intelligence—the eſſences of a nation—be eſtimated, they are, of Ireland even, a weak minority; as, both numerically and morally, they are of the empire at large.

Finally, their plea ſhould be, not of their force, nor of their numbers, but of their moderation, liberality, and innocuous tenets; if they prove the former, without the latter, they prove againſt themſelves.

XXXVIII. Their adverſaries have but little advantage over them in the argument. The fear

of the proteſtant, like the complaint of the papiſt, comes too late. It ſtrains at the gnat, having ſwallowed the camel.

I can well conceive why Lord Clare would have ſtrangled papiſt privilege in its birth; why he feared to make the firſt plunge down the declivity of conceſſion; why he refuſed power to the numerous and dangerous. But I cannot conceive, why we ſhould now feel this after-alarm; why, having ruſhed down precipices, we ſtop ſhort at a ſlope; why we indulge the populace, and reſtrict the few, the rich, the noble, and the loyal.

If we fear the revengeful bigotry of the papiſt, let us not exaſperate, without diſarming him. The power of the gentry and prieſthood, let us conciliate or unnerve; we are in a practical dilemma. We muſt reſume all that we have granted, or grant all that we retain.

I, confidently, adviſe the latter courſe.

XXXIX. Before the union, this perfect tole-

ration was impracticable. No ſtate religion has ever dared to indulge a ſectarian majority. France perſecuted the proteſtant; England the papiſt; and Scotland both; and all ſucceeded. Scotland becoming *predominantly* preſbyterian, France, catholic, and England, proteſtant, perſecution ceaſed, and toleration began. Ireland is almoſt the only country in the world, which has not had the diſgrace and benefit of active perſecution. There was enough to exaſperate—not extinguiſh. But what early intolerance might have effected, the union has accompliſhed. The eſtabliſhed *now* out-number the ſectaries, and the catholic aſſertion of 'force,' and the proteſtant of 'danger,' are equally abſurd.

Do we fear a papiſt parliament?—All the freeholders of the empire muſt firſt become papiſts, and then, emancipated or not, the parliament will, and ought to, be papiſt:—a papiſt king? it cannot be, till parliament and people are papiſt; then ſo ſhould the king—papiſt judges and generals?—Why not; if upright and ſkilful. Their talents we may employ, but their bigotry we cannot fear, till the king is papiſt, and in that

event, however we now decide, there muſt be papiſt generals and judges.

Hiſtory is called in to deceive us, not to enlighten: to bear witneſs of the popiſh tyrants John and James—and to omit Harry and Charles. We forget, too, how we *did* ſubdue John, and expel James, and would again, the imitator of either. Every thing is forgotten, but paſſion and party, and a great nation waſtes its ſtrength and reputation in antiquated follies and differences about nothing.

XL. I conclude, that the catholic lawyer, ſoldier, gentry, prieſthood, and nobility, ſhould be admitted to all the honours of their profeſſions and ranks: That one torch of diſcord at leaſt ſhould be extinguiſhed: That a nominal but degrading diſtinction ſhould be aboliſhed in a nation that fears the name of degradation, more even than the reality: That this ſhould be done, becauſe, in politics, words are things—becauſe wiſdom relieves real grievances, and policy, even the fictitious: becauſe evil cannot reſult from this good, or, if it can, is counter-balanced, or

if not counter-balanced, may be remedied, as before.

Trade, when free, finds its level. So will religion. The majority will no more perſiſt—when it is not a point of *honour* to do ſo,—in the worſe faith, than it would in the worſe trade. Councils decide that the confeſſion of Augſburg is hereſy, and parliaments vote that popery is ſuperſtition, and both impotently. No man will ever be converted, when his religion is alſo his party.

XLI. But expedient as catholic emancipation may be, I think it only expedient, and concede it, not without the following conditions: 1. That no violence be done to the conſtitution, by forcing from any of the three eſtates, a reluctant conſent. If obſtacles ariſe, they muſt be ſurmounted by time, by patience, and by the law. 2. That the prieſthood be catholic, but not popiſh:—paid by the ſtate—approved by the crown—and independent of all foreign controul. 3. That a wide and liberal ſyſtem of national education be adopted by the legiſlature, and promoted by every ſect. 4. Either

that my former propoſition concerning voters at elections be adopted, or that 40s. freeholders be disfranchiſed altogether, leſt numerous ignorance overwhelm education and wealth.

5. That the conceſſion, general or reſtricted, be *final;* and that no Roman Catholic ſhall partake of the advantages, till he ſhall have acknowledged the immutability of this arrangement.

But if, at laſt, this meaſure be found impracticable, others more important and effective may be carried. I have enumerated them: and, I ſolemnly aſſert, as my moſt mature opinion, that without *them*, catholic emancipation would *not* tranquillize the country; and that they, without it, would. From thoſe whom the penal laws would ſtill affect we have nothing to fear: from thoſe whom poverty, ignorance, and oppreſſion brutalize, we have nothing to hope.

XLII. 5. On the defects of the Government of Ireland, this is not a ſeaſon to dilate. Some of them are inevitable, and the correction of the reſt cannot be accelerated—may be retarded, by diſcuſſion: what in other times might aſſuage, would in ours inflame.

Three ſources of danger may, I think, without encreaſe of danger, be noticed.

A quickſand government, that ſwallows in its fluctuations every venture of reform. In ſeven years we have had four Chief Governors and eight Chief Secretaries of different principles and parties, each ſtifling the abortive ſyſtem of his predeceſſor by a ſyſtem as abortive.

In Abbott, active and indefatigable, not intending only, but attempting—putting months to more profit than others years; the Commons may have found their beſt Speaker, but Ireland loſt too ſoon her ableſt Miniſter.

And Wickham, Neapean, Vanſittart, Long, and Elliott, what, in a few months, could they attain of information, or accompliſh of reform?

With all their varied and various talents they were impotent; and years have elapſed and adminiſtrations reigned, without any change to Ireland but of years and adminiſtrations.

Do we think either that local knowledge is unneceſſary to an Iriſh Miniſter—or that the King can confer it as he does a title?

Wavering is weakneſs—weakneſs, in Ireland, wickedneſs. Leave with, or ſend to us, miniſters, knowing us, whom we know: coolly planning—ſteadily executing: not a ſecretary with every ſeaſon, and a ſyſtem with every ſecretary.

Not to be forgotten is the madneſs or malice of Parliamentary factions—ſurviving one ſenate—diſturbing another; brandiſhing Ireland againſt the miniſter, not the enemy. She complains not leſs of the neglect of adminiſtrations, than of the notice of oppoſitions—their falſe friendſhip—their inflammatory pity—their hollow and hypocritical help.

But a more preſſing danger impends from thoſe who have as their object or pretence, the repeal of union: to many of the loyal an object: to all the diſaffected a pretence.

When the friend of Ireland, the partizan of France, and the enemy of England may coaleſce, the coalition is alarming, however ſpecious the pretext. Treaſon will ſhelter itſelf under its loyal aſſociates, till it dare to caſt them off. It will uſe and dupe them.

opinion I have already delivered, tha
rcumſtances, the union, whether gooc
ras inevitable. The preſent poſture of
ntics ſtrengthens that opinion. Whatever is
England, muſt be France.

Will thoſe even who may diſſent from
dare to promiſe, that the repeal would plac
where we originally ſtood; that popular con
tion can be put under ſettlement—that 1808
ſtop ſhort at the unſatisfactory and litigated b
dary of 1782—that the rebellions in Ireland,
revolutions in France, and the ſubverſio
Europe, are without conſequences phyſica
moral?

If any believe theſe things, they dream
them there is the bareſt poſſibility, *againſt* t
all the probabilities of reaſon and experience.

XLIII. Here I ſhould conclude, but I dare
a ſolemn impreſſion urges my pen. I have,
haps, miſtaken much—I have omitted much—
that which I cannot miſtake—cannot omit—i

novel and tremendous peril which ſurrounds us; moſt tremendous, becauſe its novelty does not ſeem to ſurprize, nor its terror to alarm. The ſword and ſceptre of Europe are in one hand. Hoſts more numerous than the Cruſaders—an empire more powerful than the Roman,—talents and force—ſuch as never before were united—all aſſociated againſt us! The boundaries, the thrones, the laws of nations are changed; all is changed, and ſtill all changes; and every change is intended for our ruin. This is not our crime—it may be our merit: but it is our crime, and our folly, and our danger, that we are not united to avert the ruin—that our rulers are miſerably ſquabbling about places, and our people diſputing about dogmas. The inſtinct of brutes unites them in a common danger, the reaſon of man ſeems to render him an eaſier prey.

The miniſtry has exaſperated the oppoſition, and the oppoſition the miniſtry. The Proteſtant is not blameleſs with regard to the Catholic, nor the Catholic with regard to the Proteſtant. England has not been guiltleſs towards Ireland, nor Ireland towards England. On all ſides there

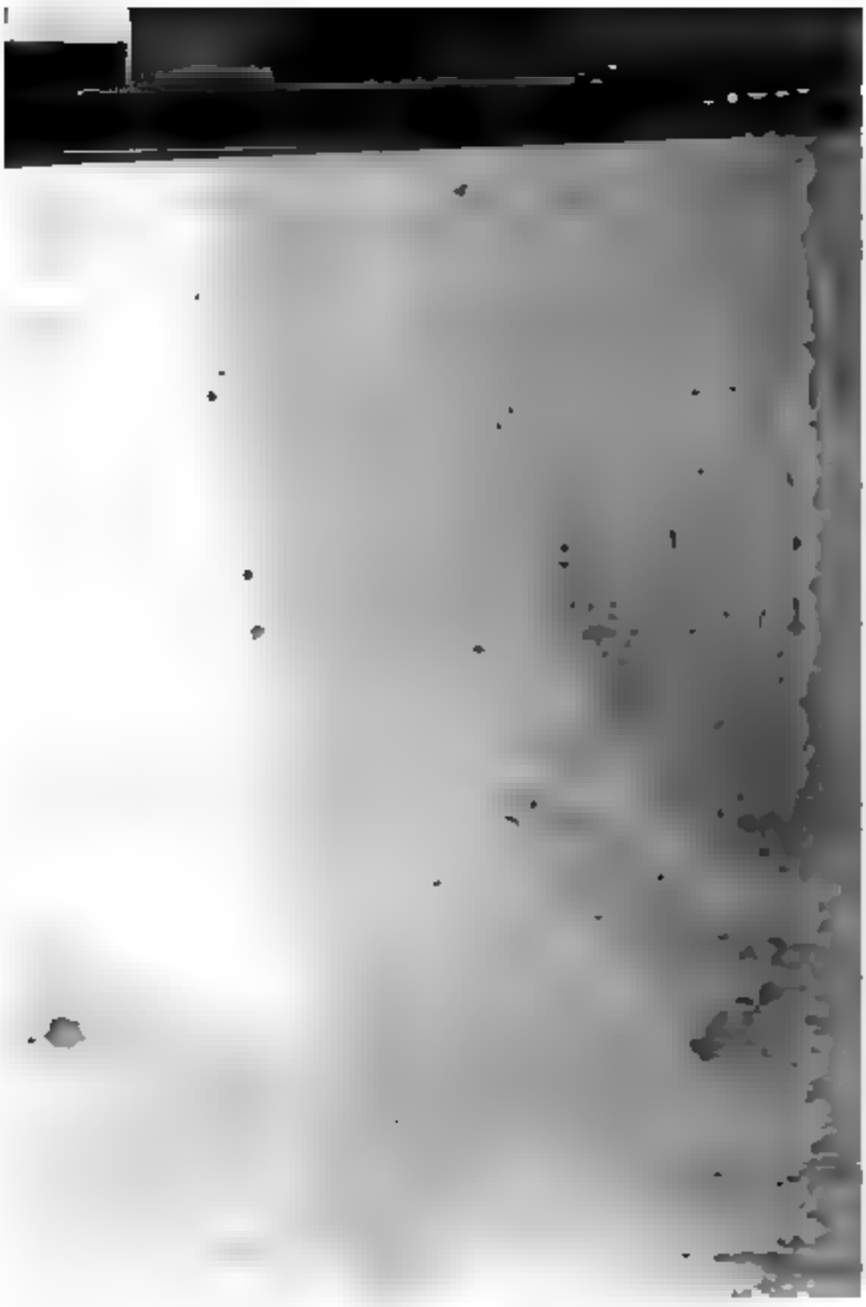
is ſomething to be forgiven, and great cauſe that it ſhould be forgiven. If our internal diſcords aid the enemy, we ſhall ſoon have neither parties, religion, nor countries.

And let us not deceive ourſelves; all our united force againſt that enemy will not be ſuperfluous. Let us not hope for external aid, for revolts amongſt his tributaries, or rebellion in his empire: whilſt he lives, there will be neither; the obedience of France he has inſured by peace, and the ſubmiſſion of Europe by war:—gratitude and fear will preſerve quiet at home, while he tries his fortune and his talents againſt his laſt and greateſt enemy.

If we are unanimous I do not deſpair of the event: if we are not, a miracle only can ſave us: our navies alone cannot—our armies cannot; but our navies, and our armies, and union, and toleration in politics and religion, may: I do not ſay they will; but if England and Ireland are true to themſelves, and to each other, either their triumph will renovate the world, or their fall leave in the world nothing worth living for.

Thoughts crowd on my mind, wiſhes on my heart, and words to my pen; but to thoſe who think I have ſaid enough, and to thoſe who feel I am afraid to ſay more—

FINIS.



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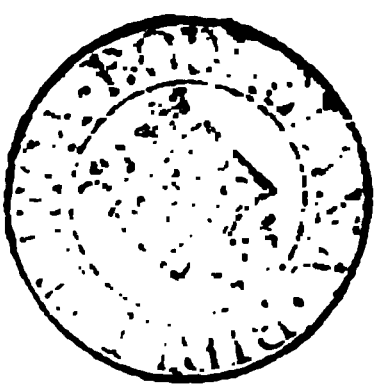

OF THE

STATE OF IRELAND,

PAST AND PRESENT.

Superaturus es hominibus, qui nec totam servitutem pati possunt, nec totam libertatem. TACIT. Hist. i. 16.

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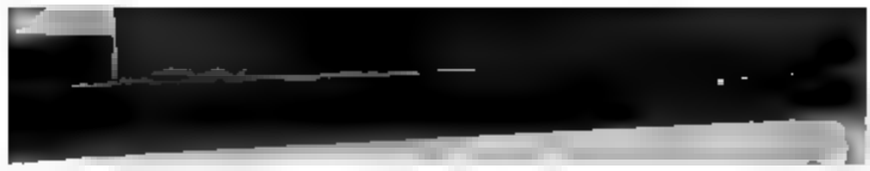

TO

THE MARQUIS WELLESLEY,

&c. &c. &c.

MY LORD,

I request you to peruse the following pages. Our sentiments probably may not, in every instance, accord; but I trust I shall convince your Lordship, that the state of Ireland not only deserves your attention, but imperiously calls upon you as a Statesman and an Irishman to exert your great and increasing influence in her cause, hitherto so constantly mismanaged and so often betrayed.

* * *

A

SKETCH

OF THE

STATE OF IRELAND.

PAST AND PRESENT.

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1. AN author ambitious of fame should write the history of transactions that are past, and of men that are no more: desirous of profit, he should seek it from the prejudiced liberality of a party: but he whose object is his country, must hope for neither, and shrouded in disinterested obscurity, should speak of sects and factions not what they desire, but what they deserve, to hear: to his impartiality his own times should be as those of Charles or James, and the ministers, bigots, and demagogues of his day, as Laud or Prynne, as Fitton, Hamilton or Tyrconnell.

And this style of writing—least popular, leas profitable—is the most difficult, the most dan gerous: power, always quick in revenge, i quickest in reaching its literary opponents; an the populace is never more slanderous than i arraigning his motives who could curb thei violence.

II. These disadvantages—great every where— are in Ireland oppressive, where impartiality sel dom thinks and never writes—party the only dis tinction, passion the only incitement; where th faction in and the faction out—orangemen an defenders—coercers and revolutionists—th English administration and the Irish direc tory, have divided between them the press an the nation.

I am therefore aware that my undertaking i a rash and imprudent *novelty*, attractive neithe of the light nor of the grave—of this junto o that. To speak what I feel—tell what I see—t sketch with a true but transient pencil, the state of Ireland—and, in considering the evils and th remedies—to deliver an unbought and unbigot ed opinion on the measure of catholic eman

pation—to doubt whether I shall be heard—to be assured that, if heard, I shall offend—to do my duty without hope, but not without fear; those are my objects, this my situation;—the inevitable fate of contemporary truth.

III. From the date of the English establishment in Ireland, first effected—afterwards extended—finally secured—by domestic treachery and the foreign sword, there was till the last century, no civil government. The king's deputies, and the deputies of the deputies, were strangers and soldiers—needy and tyrannical; their duty conquest—their reward plunder—their residence an encampment—their administration a campaign. The capital and a small neighbourhood, emphatically called the PALE, the seats of the English, acknowledged the theoretic existence, but not the practical benefit of laws. As the superior arms or arts of the settlers changed turbulent neighbours into rebellious subjects, the PALE was enlarged, but they had no laws to dispense, no civilization to communicate. 1169.

IV. I will not wade through the blood of a continual rebellion and intermittent massacre—

nor through recriminations nearly as odious, an retaliations quite as bloody. Prized should tl land be, every foot of which has been fought and fertile the country manured by the indiscr minate slaughter of her sons and her step sons Suffice it to say—the riotous discontent of th half-subdued, drew down the suspicious severit of the half-established, and the subjugation c the former, effected by degrees the degradatio of both.

1646. We pass over the alternate ravages of Charle and Cromwell, to arrive at the almost Theba

1688. contest of James and William—the lawful, bu intolerant and intolerable possessor of the throne and the unamiable but enlightened and necessary instrument of his expulsion.

Of the Irish there had been no reformation; illiterate, they could not find their own way; and poor, they had little to tempt the missionaries of Henry the VIIIth: all therefore in Ireland, that was Irish, was papist—almost all that was English was protestant. James was a papist, and William a politician, much more than they were Christians;—the blind devotion of the

former recommended him to the love and loyalty of the natives—and to the fear and enmity of the settlers. Hence a war perhaps not yet concluded; and feuds confessed to be unextinguished.

V. Offended, neglected, and despised by their respective princes, the two parties evinced a generous attachment to their fortunes. But the greater merit is here with the adherents to James. He, to insult, and neglect of his followers, added weakness, and meanness, and cruelty, and cowardice, and defeat; while William, though the friend only of Holland, and the enemy of Ireland, was a conqueror and a hero—had won three kingdoms, and deserved to win them.

Between such men it was not fortune that decided; the courage of James fled at the battle of the Boyne, and even his hopes expired in the treaty of Limerick—by conquest and by capitu- 1691.
lation the triumph of William was complete—as complete as he desired—Ireland indeed was not tranquillized; but his throne was secured—with war enough at home, she had none to invade the

shores of her neighbour—William seized her as an outwork of England, as he took Namur for the safety of Holland.

VI. Reprehension might have satisfied his glory, his prudence required submission. Though James had abandoned the Irish, the Irish had not abandoned James: Against his undisturbed predecessors, they had maintained desultory but implacable war—to him expelled and outlawed they exhibited, as were their character and custom, a perverse loyalty—like their perverse rebellion—blind to its object, atrocious in its measures.

1689. While James and his power lingered in Ireland, he assembled a pseudo-Parliament: he had chosen the members; he chose the measures—the act of repeal, justifying all rebellion, breaking all faith—the act of attainder proscribing thousands by name, and millions by inference—the act for liberty of conscience, licence to the papists, hardship to the reformed—the whole closed with the subversion of established institutions—dilapidation of churches—spoilation of bishopricks—denunciation, plunder, and oppression of the whole protestant community.

VII. From the papist—thus lately tyrannical, now subdued—the protestant thought it justifiable to subtract all power. Obsolete penalties were revived; and new restraint enacted—of their ambition from the senate—their partiality from the magistracy—their force from the field; that influence, often misused, should not be regained, possessions were forfeited—acquisitions 1703.
forbidden: that disaffection—as it was natural—should be impotent, weapons of offence were stricken from their hands, and the means of resistance removed, as its causes were multiplied.

The retaliation was complete: not so its justification. William had ratified the articles of Limerick and broke them: a policy useful to him and his near successors, fatal to us, ensuring temporary tranquillity and lasting dissension.—Contempt would have extinguished the catholic superstition, proscription has perpetuated it.

The sword had failed, while both had swords—the law had failed while it existed but for one—the alliance of the law and the sword effected something. It has been called a peace, and a truce—it was a pause—"to the catholics" said

Mr. Grattan eloquently, "a sad servitude,—to "the protestants a drunken triumph,"—but, had James prevailed, it had been to the protestants neither sad nor servitude—but death!—to the catholics a triumph, not drunken, but bloody!—This experience deduces from the ferocious bigotry of that sect at that day—this, history writes or warrants—this, Mr. Grattan, in his candour and intelligence, does not doubt.

1698. VIII. Where the warfare of the nation ceased that of the parliament began: The English to assume new, or to assert ancient superiority—the Irish to deny the latter, and to resist both. The Molyneux wrote his "Case of Ireland,"—valuable for its matter—important in its effect—interesting as the dawn of political discussion. It shook the presumption of one parliament, and fortified the confidence of the other. Hence a more modern policy: The seat and style of the discussion was changed; the contest was no longer between the senates themselves, but between the adherents of each in the Irish parliament.

A supremacy more complete than she dared to claim as of right, England now established by

fluence—a courteous name for profligacy on one le, and prostitution on the other. Hence a de- aded population, a hireling aristocracy, a cor- pt government—hence the low intrigues, mean- ss and misery of three generations.

From the reign of William to that of George e IIId.—a long pause in the annals of our tur- ulence—during two Jacobite invasions, while 1715.
lf England was basely hesitating, and Scotland 1746.
d treasonably decided between the protestant ope and popish pretender, Ireland was tran- il—in allegiance, sullen perhaps, but unbroken. t this is all the historian has to tell—the rest as the squabble of petty pretenders to power, important even in its day, contemptible in rs; youth became age, and age sank into the ave in silence and ignorance; for our glory no- ing was atchieved, for our improvement no- ing attempted: almost a century is almost a ank.

IX. With one great exception.—On this loom one luminary rose, and Ireland worshipped t with Persian idolatry: her true patriot—her rst, almost her last. Sagacious and intrepid—he aw, he dared; above suspicion, he was trusted;

above envy, he was beloved; above rivalry, he was obeyed. His wisdom was practical and prophetic —remedial for the present, warning for the future: he first taught Ireland that she might become a nation, and England that she might cease to be a despot. But he was a churchman. His gown impeded his course, and entangled his efforts—guiding a senate, or heading an army, he had been more than Cromwell, and Ireland not less than England: As it was, he saved her by his courage—improved her by his authority—adorned her by his talents—and exalted her by his fame. His mission was but of ten years; and for ten years only, did his personal power mitigate the government; but though no longer feared by the great, he was not forgotten by the wise; his influence, like his writings, has survived a century; and the foundations of whatever prosperity we have since erected, are laid in the disinterested and magnanimous patriotism of Swift.

This is not digression—it is instruction; justice to the dead—example to the living:—it is the debt we owe, and the precept we should incul—

cate;—when he is emulated, his country is redeemed.

X. The accession of George the IIId. is to Ireland an æra, not of her independence, but of the diffusion of principles, which twenty years after effected, and, in twenty years more, destroyed it. 1760.

Of the injustice of England towards America, the retribution was signal, and the result universal. Ambition was foiled, obstinacy subdued, and oppression on one, conferred freedom on both shores of the Atlantic. While her right arm was employed in scourging or curbing America, the reins and rod of Ireland were forced from the other; and distress resigned what generosity would never have bestowed. Ireland thought that she had attained the maturity, at which the pupillage of a people should cease, and she undertook, in the pride of heart, the management of her own revenues, the regulation of her own family, and the maintenance of her own rank in the society of nations. 1782.

Of this revolution—bloodless, or only bought with American blood—Mr. Grattan was the

leader. *His* history is now identified with his country's, and even his character may be assimilated to her's. A mind impetuous and determined —views not always correct, but always generous —an eloquence peculiar and popular, in a delivery somewhat fantastical, but most impressive— gentle manners, a feeling heart—undaunted spirit: in private most of what is amiable—in public, much of what is great.—Flattered and reviled alternately and intemperately, he has been worshipped and branded, as saviour and traitor—that exaggeration, this falsehood. What he sought for Ireland he did not always obtain—much of what he obtained has reverted—much of what has not reverted is injurious—this is not *salvation.* True to his party, he too warmly opposed in days of peril whom he thought the authors of that peril, and denounced in the senate whom he thought the aggressors in the conflict—when all had failed, he injudiciously retired. This was not *treason.* But thus living characters are drawn.

The lifetime of our independence was short ; its author is still living—his measure alread[illegible] dead—" He sate by its cradle—he followed [illegible] " hearse." Murmurs against this dispensati[illegible]

of Providence have arisen—but unjustly. The being "*from its mother's womb untimely ripped,*" was faint and feeble; the dissolution, though sudden, was natural—though early, not premature.

Totally separated from England, an independent existence was, perhaps, possible—I do not decide—but while the connexion, however modified, subsisted, it was visionary. The claim of right was extinguished—but the activity of influence was subtilized and invigorated. It was in nature that the greater should rule the less; it was in nature too, that, intoxicated with fancies of freedom, Ireland should revolt at the reality of dependence; too powerful for a province—too weak for a rival—the consequences were inevitable—Rebellion and Union.

X. In force for nearly a century of quiet, the popery laws had been lately mitigated. *Elated* at this favour, while independence was in progress, the catholics expected to be *triumphant*, on its establishment—not unreasonably. Of Great Britain and Ireland they were an inconsiderable sect—of solitary Ireland an important majority; in its narrow scale of politics,

they hoped for place, perhaps preponderance; in vain—the independence was nominal, the connexion real. Disappointment ensued, and dissatisfaction. Nor were these confined to the catholics. The volunteers, a great body of all reli-
[illegible] discussions in military
assen [illegible] heir arms and numbers
—bold[illegible] ir [illegible] and infected with li-
centious politic [illegible] w [illegible]hed what they dared
not speak, and [illegible] [illegible]dly have taken what
it were treason to [illegible].

13. XI. In this tumult the catholic was again exigent, and the protestant indifferent, or favourable; further relaxation ensued, and more general tumult.

14. Minds became unsettled—the state feeble—insurrection strong; in the north, an armed parliament discussed and despised the laws; but confined itself to speculative treason. In the south there was actual war: midnight insurgents seized whole counties at the close of the day, the populace rose—and all was confusion, and cruelty, flakes of fire and streams of blood, till the dawn; evils real or imaginary, the excuses—evils monstrous and inevitable, the

consequences. They evaded the law—they escaped the sword; at last they defied both. The nights were nights of plunder—the days of punishment—and both of horror. 171

Then, as now, the disease was referred to the severities of the popery code, andty the system—the remedy suggested in the repeal of both. But the alleged grounds of Irish insurrection are seldom real. The rebellion is raised first, and the grievance found afterwards: as between individuals of our nation, the quarrel often precedes the ostensible offence.

XII. While further indulgences to the catholics were granted, and others in progress, the French revolution, having filled its own country brimful with misery, began to overflow upon ours. Much of that event Ireland had already anticipated—for the rest she was prepared. She had had her national convention—her national guards—her reform—and her constitution; she too was doomed to have her rebellion —her desolation. The course somewhat less bloody—the event more fortunate—but neither totally dissimilar. 17

Again, the claims of the catholics, and again, the concession of the government; the offensive code repealed in *more* than they desired—almost all that it contained; nothing reserved but the command of armies—the dignities of the law—the senate and the throne.

And thus the question now stands!—where will it rest?

XIII. In obtaining these concessions, Mr. Grattan was aided by the Lords Mountjoy and O'Neil, the earliest friends of the catholics—the first victims of the rebellion. Against them stood—sometimes alone—Fitzgibbon, Earl of Clare: a man not to be omitted in even a *sketch* of Irish history. Of extraordinary endowments, great acquisitions, and transcendant arrogance. Bold and voluble in his speech, daring in his counsels, and fixed in his resolves, the stature of his mind overtopped his associates, and collected upon him the eyes of all—the shafts of many: an humble origin could not moderate his pride, though success and almost supreme power seemed to temper it. In wrath, less violent—than sudden; in revenge, not frequent—but implacable; he deserved more political friends—fewer

enemies: but there was something in him that would be obeyed, and his opponents fled, and his party fell before his victorious and envied ascendancy. As chancellor,—like Shaftesbury—he had no enemy, and administered justice with undivided applause. In private he was amiable; to his family, his friends, and his followers—indulgent, faithful, generous, and kind. In peaceful times he would have been beloved—and lost. —In days of ferment, if a demagogue, he would have subverted, as, when minister, he supported the pillars of the state.

The popish religion he thought unfavourable to freedom and knowledge—its professors hostile to the government and constitution. Hence, his opposition to all indulgences of that sect; always consistent—often imprudent.

As Mr. Grattan is called traitor—so is Lord Clare—tyrant; with equal falsehood: When prejudices shall be buried in the graves of these illustrious rivals, we shall probably confess that both were sincere, both fallible; both honest—both mistaken;—human in their errors and parties—immortal for their virtues and patriotism.

98. XIV. The hordes of petty rebels, that for twenty years, under twenty barbarous names and pretences, had harassed the land, now sank into one great union against all civil and ecclesiastical institutions—the legacy of the American contest paid by France. The conflagration was general; war on every side—in Ulster of politics—elsewhere of bigotry. The dissenter fought—the papist massacred—the loyalist cut down both. Some provocation there may have been—much vengeance there was; but where most, if any provocation, least slaughter, no cruelty: where no previous oppression, most blood, much torture. The details of this rebellion—realizing all we read of 1641—I bequeath to the bigotry of both parties—its objects however are interesting to the enlightened; that of the dissenters—a republic; that of the papists—popish ascendancy; of both connexion with France, separation from England: Its results are too important; union with England, separation from France, and both, it would seem, eternal.

XV. From the principles of 1782 sprang inevitable connexion with France, or union with England. The late atrocities decided and acce-

lerated the choice—not without hesitation. A haughty aristocracy and a proud people did not easily resign their power and their name; nor an aspiring gentry their hopes; all about to be lost in British ascendancy. The aversion was almost unanimous, and twice victorious. But Mr. Pitt was undaunted: enlightened and intrepid, he saw that this vital measure, once proposed, must be carried, or the country lost. On the object he was fixed, and of the means not scrupulous—deceit of the good—intimidation of the weak—exasperation of parties, and a wide corruption.

Nor did his opponents, while denouncing, decline to imitate his practices; both parties, let us own, addressed themselves to the best passions of mankind, and to the worst; but with different success—the honest preferred England to France, the base, possession to expectancy, and the act of union was passed—strange to add, without bloodshed. But the parties had been rather enthusiastic than cordial. Each feared its own success; the opposition theirs, as dangerous—the unionists theirs, as degrading—to the country. The victory was without triumph, and the defeat without dejection.

XVI. The earl of Hardwicke's succeeded the union administration. His manners were gentle, but insincere—his mind elegant, but vindictive—his intentions, if pure, perverted. His councils,—by his friends alleged not to be his own,—were, towards the end of his administration, weak and double. By his public and private gentleness—some ostentatious charity and the universal purchase of the press, the shadow of popularity was acquired--and with this shadow he was contented, and England deceived, and Ireland darkened. Inactivity on the one part, was mildness and conciliation--sullenness on the other, content and gratitude. On this calm of conciliation and content

803. burst forth another rebellion—short in its duration—contemptible in its actions—but serious in its unsounded depth and unknown extent. The policy of that day under-rated the danger—and the peril of Ireland was forgotten in a squabble between the Governor and the General.

XVII. In aid of the union the catholics had been courted—but the ministers had promised what they could not perform, and absconded from their offices to save their credits. They had now returned to power—and the holders of the pro-

mises demanded their amount. The minister did not refuse, but asked time, to pay. He would have temporized, but England is not tolerant of popery, nor Ireland of suspense; both parties hastened on to a discussion, in which the catholic was successfully opposed by some, who had, two 180
years before, favoured—and violently supported by others, who, two years after, sacrificed him. Such are the inconsistencies of faction.

Ireland sank back into her silence—and all again was mild and grateful and hollow, till the departure of Lord Hardwicke, bequeathing to his successor insurrection in five counties, and discontent in twenty.

XVIII. That successor was John Duke of Bed- 18
ford, amiable and honourable, but by party connections unfitted for the station of viceroy. He was the heir of the influence of his brother Francis, the inconsistent Duke, whose democratical folly Burke has immortalized; he inherited likewise his politics and party; that party Mr. Fox—that great and weak, that amiable but mischievous man—conducted in England, and the Ponsonbies in Ireland. In opposition at the time of the

French revolution, they naturally and unfortunately connected themselves with the friends of that event. But that event was too strong for them and for itself. Revolution became subversion—entangled in its anarchy they could neither restrain their associates, nor disengage themselves, and Europe saw with wonder a British aristocracy interchanging praises and principles with the democrats of France.

XIX. Heartily they repented, but in private; and, until they had given ministerial proofs of their conversion, they possessed the disgraceful confidence of the disaffected in both countries. At their exaltation the intemperance of their late associates in Ireland knew no bounds: The advent of the Whig viceroy was hailed by the voices that had before hailed the coming of the French. To his first levee crowded, in the levelling audacity of their joy, persons of every rank except the highest—of every description but the loyal: from their concealment or exile suddenly emerged the unexecuted patriots of 1798, bearding and insulting the very magistrates before whom they had been convicted: Some indiscreet legal promotions, some ill-advised civil appointments

raised to confidence the hopes of those fanatics; but raised only to overthrow. The viceroy, awakened to his sense and dignity, and the chancellor,* illustrious by his birth and talents, were disgusted at the vulgar fellowship, and alarmed at the traitorous insolence. They did something, and should have done more, to the repression of both; but they wished not, or dared not to exasperate an unforgiving faction, and by their want of decision lost one party without gaining the other: all were disaffected or dissatisfied.

May I here indulge a private sentiment, and hope that the ancient and eminent house of Ponsonby has finally resumed its pride and station—that baseness and ingratitude have not shown themselves in vain—that delusion private and political has vanished for ever—that the tranquillity of our native land may again be its triumph, and the hatred of our enemies its popularity.

XX. The intreaties and intrigues of the ministry, their late partizans, and the adverse opinion of many of their own sect, could not dissuade the catholics from another parliamentary

* George Ponsonby.

appeal for indulgence. I cannot blame their resolution; I did not think it untimely; I can never think it unjust; but I blame, I denounce, as traitorous to the constitution, and ruinous to their cause, the speeches then published by their pretended and pernicious friends—fatal advocates—if, indeed, their object was catholic emancipation, and not catholic insurrection.

To stifle this appeal, that threatened it with dissolution, the ministry proposed a substitute—an expedient—to buy the catholic cheaply, to deceive the king safely, to establish themselves permanently. It had a double face, this measure; and I scarcely know by which to describe it: It was represented—to the catholic, as opening to him every rank of military honour—to the king, as giving nothing new, but merely raising the *English* catholic to the *Irish* level = In Dublin, it was a triumph to Ireland; at Windsor, it was justice to England: but the fraud met its fate; the British king refused to decorate the Roman triumph. Scorned by the sovereign, the catholic, and the protestant—the ministry were driven from the cabinet, and at the ensuing

elections hardly found their way into the senate.

I regret, not the loss of this bill, but that it—or a more liberal—was not candidly proposed, and honestly carried. I lament, not that the ministers have lost their places, but that their deserved failure has disgraced and, endangered a good cause, and disappointed and disturbed an unhappy people.

XXI. Thus far we have walked in the footsteps of time, and heard the voice of history—Events lead us to experience, experience to improvement; there remain then for inquiry the present evil—the future remedy.

Nations have moral as well as physical climates, and no good is practicable—no institution can be permanent, that is not fitted to the national temperament. The plant of the east withers in the west, the animal of the north degenerates in the south. We have but lately and imperfectly learned, that political modes which exalt one country may debase another.

The self-confidence of England in her system, is wisdom at home and folly abroad: she would have Corsica and India, like Wales or Devon, and has lost one and risked the loss of the other.—France, by a contrary species of the same madness, introduced for [illegible] inciples into her government, and lost [illegible] Humanity rejoices that she has risen fr[illegible] grave of democracy; and those even, who [illegible] worst of her Deliverer, assent to my reasoning, by attributing his success to the wise congeniality of his institutions.

Ireland—and in a greater degree than other countries—has feelings that must be flattered; and prejudices and habits, that, to be conquered, must be soothed. She must not be stretched on the procrustan bed, or lopped or lengthened to an iron scale. Those that legislate for her should know her, and their system should be elastic and accommodating.

Thus impressed, I trace the outline of our manners freely, and, if I can, truly.

XXII. Its popular character and customs distinguish and disincline Ireland from Englan[illegible]

Varieties have been sought in the national disposition, referable to the double origin of the people: in vain: however differing in rank, party or ancestry, they bear the indelible mark of a common nativity. Restless yet indolent, shrewd and indiscreet, impetuous, impatient, and improvident, instinctively brave, thoughtlessly generous; quick to resent and forgive offences, to form and renounce friendships; they will forgive injury rather than insult; their country's good they seldom, their own they carelessly pursue, but the honour of both they eagerly vindicate; oppression they have long borne, insolence never.

With genius they are profusely gifted; with judgment sparingly; to acquire knowledge they find more easy than to arrange and employ it: inferior in vanity only to the French, and in wit superior even to the Italian, they are more able to give, and more ready to receive amusement, than instruction: in raillery and adulation they freely indulge, and without malignity or baseness. It is the singular temper of this people that they are prone equally to satirize and to praise, and patient alike of sarcasm and flattery.

Inclining to exaggerate, but not intending to deceive, you will applaud them rather for sincerity than truth. Accuracy is not the merit, nor duplicity the failing of a lively but neglected and uncultivated people. Their passions lie on the surface unsheltered from irritation or notice: and cautious England is glad to recognize the Irish character only by those inconsistencies and errors, which her own novercal government has produced or perpetuated.

XXIII. In their domestic life, the gentry and traders differ from the English of equal rank, not in essentials, but in modes. Here are less neatness and œconomy, more enjoyment and society. Emulative profusion is an Irish folly. The gentry would rival the nobility; the merchant affects to surpass, and the shopkeeper to approach, the splendour of the gentry. Hence patrimonies are dilapidated; hence capital is diverted from business to pleasure; the profit of one enterprize is not, as in England, embarked in another, but sunk in a villa or an equipage. The English trader bequeaths, the Irish enjoys; but his enjoyment is not often elegant, nor always secure.

The nobility and affluent gentry spend much, or all their fortunes and time in England; leaving their places to be filled, in the country, by hired agents—in the city, by a plebeian aristocracy: the former, solely engaged in encreasing and collecting rents, can have little conciliatory power with the people; and the influence of the latter tends rather to encrease than diminish the political danger.

A great evil. Not because the country is drained by remittances, but because she is widowed of her natural protectors; the loss is, not of money, but manners—not of wealth, but of civilization and peace.

XXIV. The condition of the peasant was of late utterly, and is still almost, barbarous. What the Romans found the Britons and Germans, the Britons found the Irish—and left them: neglect or degeneracy of the colonists, and obstinacy of the natives, have preserved even to our day living proofs of the veracity of Cæsar and Tacitus: Of this, many will affect to be incredulous—of the Irish, lest it diminish the character of the country—of the English, because it arraigns the wis-

dom and policy of their system. But the experienced know it to be true, and the impartial will own it.

The cultivator of the land seldom holds from the [illegible]; between him and the [illegible] stand a series of sub-landlords, each receiving a profit from [illegible], and having no further interest or connexion with the [illegible], he last in the series must provide for the pre[illegible]s of all—he therefore parcels out, at rack rents, the land to his miserable tenant. Here is no [illegible]omaury—no agricultural capitalist; no degree between the landlord and labourer; the words "peasantry" and "poor" synonimously employed.

XXV. Their dwellings are of primitive and easy construction—the walls and floors of clay, the roof of sod or thatch: within are two unequal divisions; in the smaller, filthy and unfurnished, you will hardly suppose the whole family to sleep; in the larger, on a hearth, without grate or chimney, a scanty fire warms rather by its smoke than its blaze, and discolours whatever it warms—Glazed windows there are none, the open door amply sufficing for light and air, to those

who are careless of either. Furniture they neither have nor want;—their food and its preparation are simple, potatoes or oaten cakes, sour milk, and sometimes salted fish. In drink they are not so temperate: of all spirituous liquors they are immoderately fond, but most of whiskey, the distilled extract of fermented corn. In many districts, by an ingenious and simple process, they prepare this liquor themselves, but clandestinely, and to the great injury of national morals and revenue. Were they allowed, by private distillation, to indulge their taste for inebriety, their own vice would more effectually subdue them than centuries of war.

XXVI. Their dress is mean and squalid; particularly of the females, whom you would not always distinguish from men by their attire. Of personal cleanliness they have no care. Both sexes wear in winter and summer, long woollen coats or cloaks, derived from, and similar to, the sagum of their ancestors. The children are generally half, and sometimes altogether naked, living, without distinction of sexes, in dirt and mire, almost with the cattle. Yet from this nakedness

and filth, they grow up to that strength and stature for which they are admirable.

XXVII. The peasantry of Ireland are generally of the Roman Catholic religion, but utterly and disgracefully ignorant—few among them can read, fewer write. The Irish language, a barbarous jargon, is generally, and in some districts exclusively spoken: and with it are retained customs and superstitions as barbarous. Popish legends and Pagan tradition are confounded and revered: for certain holy wells and sacred places they have extraordinary respect: thither crowd, the sick for cure, and the sinful for expiation, and their priests, deluded or deluding, enjoin those pilgrimages as penance, or applaud them, when voluntary, as piety. The religion of such a people is not to be confounded with one of the same name professed by the enlightened nations of Europe.—The University of Paris has some tenets, in common, perhaps, with the Irish papist, but does *it* believe that water restores the cripple, enlightens the blind, or purifies the guilty?

XXVIII. In agricultural pursuits they are neither active nor expert: hereditary indolence

would incline them to employ their lands in pasturage, and it is often more easy to induce them to take arms, for their country, or against it, than to cultivate the earth, and wait upon the seasons. Even at this day the sons of the old inheritors are suspected of being more ready to regain their possessions by their blood, than by their labour. Their very amusements are polemical; fighting is a pastime which they seldom assemble without enjoying; not, indeed, with iron weapons, but with clubs, which they always carry, and frequently and skilfully use. When not driven by necessity to labour, they willingly consume whole days in sloth, or as willingly employ them in riot; strange diversity of nature, to love indolence and hate quiet—to be reduced to slavery, but not yet to obedience.

XXIX. Who will call this people civilized, or wonder that they are turbulent?—Who confide in the empiric promising to cure so complicated a disorder by a single specific?—It is but too plain that there is something to be lamented, and, if possible, changed, in the character of the nation—much in its habits—more in the accidental circumstances in which it languishes; and it is

also evident that no individual remedy can reach and reform evils so heterogeneous. Party indeed is blind, and ignorance adventurous, but when the state of Ireland is hereafter discussed in the Imperial Senate, we trust that few may be found of the prejudiced, and none of the ignorant.

XXX. Friendly—on principles and conditions hereafter to be developed—to catholic emancipation, I cannot believe it panaceatic—alone beneficial—alone necessary. It will be a part—perhaps great—probably small—of any enlightened system of Irish policy: but it is not itself a system.

Who can be emancipated, and from *what?* At most six Lords—one hundred and fifty commoners—and twenty ecclesiastics—from four or five disabilities, which reach not—interest not the mass of their community. Theorists trace from the political exclusion of the peer, the mental debasement of the peasant—truly, perhaps, in a people affluent and enlightened;—truly in small and polished states; falsely in a great mass of penury and ignorance. Dispel the gloom—enrich the penury, the crowd may then—and not till then—

some sympathetic to the feelings of honour and bition: Hence, I reason, that to mere emanci- tion there are previous paramount duties; that ghtening two millions of catholics is more portant than indulging two hundred.

But the Irish protestant, has he no grievance— ours he under no disability? has he no cause, or nt of disaffection? Your protestant tenants— r in numbers;—your protestant artizans and nufacturers, a great and pining population— k them for a description of their exclusive pa- dise. In all that regards happiness and power u will find them to be catholics, reading the rgy; as the catholics are protestants, singing e mass. Emancipate *them*; emancipate all;— ify your country—not in details, but in gene- l—not in extremities, but at the heart.

XXXI. To catalogue and class the diseases and medies would be a treatise. I only sketch— ppy if what I write hastily be read at all.

Compendiously, then—the springs of our mis- tune are five-fold:—1. the ignorance—2. the —3. the political debasement of the infe-

rior orders: 4. the catholic code: 5. the provinciality of the government.

1. Domestic œconomy, agricultural improvement, the love and knowledge of the laws, the detection and expulsion of superstition, the growth and influence of true piety, who can expect them among a people utterly dark and blind? Of four millions—the probable population—one million perhaps can write and read—of this million, three-fourths are protestants and protestant dissenters:—there remains a solid mass of dangerous and obstinate ignorance—not all—but chiefly—catholic. The laws of God they take on trust—of the land on guess, and despise or insult both. The Government publishes proclamations—the rebel chiefs manifestoes—the rebel soldier reads neither—his spiritual or secular leader he follows into *implicit* treason; incapable of discussing motives or being enlightened by results: and thus the folly and defeat of one insurrection do not deter from another.

In all our perils—it is an important truth—the real danger is in those who cannot read, the true security in those who can. Superior knowledge

as one cause and branch of the Protestant ascendancy—from which the Catholics must emancipate themselves.

XXXII. The remedy of this evil must be sought in its causes,—a narrow and sectarian plan of public education,—the mistaken policy of the Popish priesthood,—the absence or indolence of the established clergy,—sources of more and greater evils than Ireland thinks, or England would believe.

To the Government, I should say, "Educate your people;"—I care not by what system, if it be capacious, nor at what cost, if it be productive.

Between systems of public instruction I will not decide; *that*, however, must be preferable, which acts most by incitement, and least by force. I should even—not unhesitatingly—venture to propose, that those only should vote at elections, who could write and read their own affidavits of registry. This principle is not novel in our constitution; our wise ancestors promoted learning by granting, even to criminals, the benefit of clergy.

Would it not be as efficacious, and more just, to extend to a certain proficiency in letters, not pardon, but privilege—not impunity in crime, but advancement in political power? Is it not monstrous in theory as well as practice, that the grossest ignorance should influence the choice of a legislator, as much as the most cultivated understanding—that the enlightened should be overborne in the highest exercise of rational liberty by the rude and barbarous? Yet thus it is, and the primary assemblies of Ireland are swayed by brutal ignorance and profligate perjury.

We have seen in some counties the majority of constituents driven, like cattle, to the hustings. We have seen them—unable even to speak English—attempt to poll in Irish. We know that these miserable creatures are weapons wielded by the gentry against each other at elections, and by demagogues against the gentry in rebellions. Is this to be borne?—From such turbid and poisoned sources can the stream be pure and salutary?

To the Catholic priesthood I should say, "You profess to be ministers of light, not of darkness,

you *should* advance learning, you SHALL not impede it—your tenets shall not be invaded, but your flocks SHALL be instructed—the ointment producing blindness shall be used no longer. If you will not co-operate in a generous system of national education, expect no favour from the nation: you shall have none."

But to the established clergy what shall I urge? The times, momentous to all, are critical to them; their flocks turbulent, their revenues invaded, their very hierarchy assailed;—these are not days for sloth. Ireland is divided into 2500 parishes, melted down into 1200 benefices, on which there are but 1000 churches; the 1200 beneficed clergy of these 2500 parishes, where are they? one-third of them are not resident—absentees from their duties—mortmainers upon the land! The catholic priest, the dissenting minister, the methodist preacher, are they supine or absent?—Are they without proselytes and converts, without interest or influence with the people? A friend to religion, I am an enemy to salaried idleness. To 2500 parishes I would have 2500 parsons; no curates at fifty, nor absentees at two thousand pounds a year; no starving zeal, no lazy

affluence. The establishment, which laymen are invoked to defend, churchmen should support by their presence, dignify by their piety, and extend by their example.

XXXIII. 2. Of the exactions of the owners, and the indigence of the cultivators of land, miserable are the consequences. Landlords without friends or influence—a peasantry, without interest, almost without livelihood in the country—nothing to defend—nothing to love—despairing and desperate—ripe and ready for change.

The evil is plain, the remedy not so evident.

The price of the use of land, can—at least should—never be restrained by law; free competition is the life-blood of commerce, and the relation of landlord and tenant, in the matter of rents, is purely commercial. The appeal therefore is to the good feeling and good policy of the landholders.

In England the law of public opinion, as well as the law of reason, terrifies a landlord from the plunder of his estate—much of it is at

his will; but his will is wisdom, or the wisdom of others restrains his will; and he is glad—or obliged—to content himself with just profits strictly paid, by a thriving tenantry. Where there is a protection on one side, fidelity on the other, and confidence on both, the fairest tenure is at will: rents then fluctuate with the price of produce, and the results are profits duly apportioned. These results theorists propose to obtain by conditional leases, and clauses of surrender and redemption, but unfortunately it is still a theorem.

In Ireland, tenure at will, is indefinite oppression—tenure by lease, oppression by lease; rents are, not the proportions of, but nearly the whole produce. The actual cultivator seldom better paid than by scanty food, ragged raiment, and a miry hovel; nothing saved for exigencies—nothing remitted for capital.—The peasant and the land alike neglected, impoverished and starved.

The theorist says, this, like other commerce, will find its level.

Experience says to the theorist, it will not. The peasant's spirit is broken—he thinks not of independence,—dreams not of property, unless in dreams of insurrection. His wishes have no scope; he is habituated to derive from his land and his labour, only his daily potatoe: and we know, that competitors offer the whole value of the produce, minus that daily potatoe—sometimes more than the whole value is promised, and nothing paid; the tenant, for a few months, appeases his hunger; quarter day approaches,—he absconds; and the absentee landlord in Dublin or London, exclaims at the knavery of an Irish tenant.

In the mere spirit of trade, what can landlords expect from tenants without capital or credit? From impoverishing the fountains of their wealth? From denying their factors even a commission on their profits?

But a landlord is not a mere land merchant; he has duties to perform as well as rents to receive; and from his neglect of the former, spring his difficulty in the latter, and the general misery and distraction of a country. The combinations of the peasantry against this short-sighted mono-

poly, are natural and fatal. Whoever assembles the Irish, disturbs them; disturbance soon coalesces with treason, and the suicide avarice, that drives the peasantry to combine, precipitates them to rebel.

XXXIV. Tythes—the pretence, therefore, and cause of an hundred insurrections—belong to this part of the subject. A tax more vexatious than oppressive, and more impolitic than either: vexatious, because paid directly and in kind, at unequal and fluctuating rates: impolitic because it is vexatious—because a people, unanimous in this alone, declaim against it—because it might be replaced by a more equal, certain, and satisfactory imposition.

But they are not unjust—not even oppressive—rather profitable to the tenant, computed as a tenth in his bargain, seldom amounting to a twentieth in his payment. Nor are they levied from the popish peasant, for the protestant parson. By the peasant, popish or protestant, they are not in fact paid; for his head-

adequate to the payment of ALL the clergy, protestant, catholic, and dissenting.

I pass over the details, I trust practicable, to arrive at the results, certainly beneficial—the peasantry relieved, at least appeased—the landlord secured—the protestant clergy amply indemnified—the catholic priesthood, the servants of the British empire, not of Rome, their power of good encreased, of evil destroyed, and their present precarious and illegal livelihoods replaced by a constitutional and honourable provision—a chief cause of animosity eradicated, and the country indulged, improved, perhaps tranquillized, by the extension of a principle already familiar and approved.

XXXV. 3. The practical debasement of the lower orders of society, is compounded of their ignorance and poverty, already examined—of the injustice or contumely of their superiors, to discuss which, might exasperate these, inflame the others, and injure all,—and lastly, of the dearness and difficulty of legal redress, not to be passed over unlamented—unreprehended.

The law has never thoroughly mingled itself with Ireland; there lately were, perhaps still are, districts impervious to the king's writs—castles fortified against the sheriff, and legal estates invaded by force of arms—contumacies, not frequent indeed, but from which an enquirer will deduce, not unfairly, ordinary disrespect for the law. This in civil cases. In criminal—how large a share of our jurisprudence—witnesses not unfrequently suborned, intimidated or murdered—juries subdued—felons acquitted. In common transactions, the administration by justices of the peace, sometimes partial—generally despised, and unsatisfactory. The body—in England so effective—of mayors, bailiffs, and constables, unknown, or known as a jest. Parish offices, sinecures: The great man and the strong man executing, the poor and weak suffering, the law.

The blame is not easily apportioned—much is in the pride and folly of the gentry: much in the native perverseness of the people: much in the indifference of the government: something in an indiscreet nomination of magistrates: more, and most of all, in the exorbitant taxation of legal

proceedings, by which the law has become, not a refuge to the poor, but a luxury to the rich. The courts are open to the indigent, only as spectators; the peasant, oppressed or defrauded to the amount of 10*l.*—cannot buy even a chance of redress in the lottery of the law for less than 60*l.* By victory or defeat he is equally and irremediably ruined. This system *must* be amended —abandoned.

I consider the habitual weakness of the law, as the first cause of the habitual weakness of the land, from Henry to George.

The thoughts of those who read for ideas, no[illegible]t words, will fill up my outline. Let us hope tha[illegible]t the wisdom of the legislature will soon erase it.

XXXVI. 4. On the subject of catholic ema[illegible]- cipation all men speak and write, but few ca[illegible]n- didly—its supporters and its opponents are equ[illegible]l- ly injudicious or unjust; the reason is, that t[illegible]e parties of the state have divided the question [illegible]e- tween them; and contest it, not for its sa[illegible]e, but their own: it is the means, not the objec[illegible] of the war.

The Roman empire was divided into two factions, and the green and the blue distracted the civilized world. Did the civilized world bleed for the colour of an actor's coat, when they seemed to do so? No. They bled for their party, not for its symbol. Catholic emancipation is the green and blue of Ireland, the colour of the division, not the cause. This, Emmett and Mc. Nevin, liberal, sagacious, and well informed, have admitted: though Keogh, Newport, and Parnel, furious, shallow, and bigoted, deny it.

How else could half a nation so pertinaciously seek, and the other half refuse an almost empty privilege? How else can it have happened that every concession has produced commotion, and complaint encreased as the grievance disappeared? Twenty years ago there was much to desire, and to refuse, and the catholic code was scarcely thought of: there now remains, unconceded, nothing in which the *people* are concerned. Yet to the catholic code is attributed all our misfortunes. The truth is, the parties have made the question, not the question the parties.

XXXVII. Let us review and refute the sophisms of both; and first of the emancipators. 1. 'The merits of the catholics.'—What merits? They have been loyal in 1745 and 1797: perhaps in 1798 and in 1803: but if they were—as they were not—unexceptionably loyal, what is the merit? Is it a virtue not to be criminal; is, not to rebel, supererrogation? Admit, however, the merit: has it not been already rewarded? A century of penalties remitted in half a score of years, is it no boon? Admit, still, that the reward was inadequate; We then ask, was the catholic so much *more* loyal than the protestant, that the latter should be stripped of his ascendancy to clothe the former? The conclusion is, that he, who vaunts his loyalty as a merit, has little merit in his loyalty, and that when catholic merit is pleaded against the ascendancy, protestant merit should be pleaded for it, and a balance struck. 2. The emancipators allege 'the force and power of the catholic body,' and apply the argument doubly; offering assistance—or threatening opposition. What new assistance can we have? Two-thirds of our military are already

catholics; because two-thirds of our population are so. If the proportion of catholic soldiers and sailors be greater, it is and will be so, because they are the poorer sect; poverty, in all countries, takes refuge in the armies; nor would catholic emancipation make one man in Ireland a soldier, who had wealth enough to remain a citizen. Thus vanishes their promised aid. Their hostility I do not fear. The catholic force can never be united against the present establishment of law and property; and, if it should, it would find that physical strength is not the best part of power. 3. It has been alleged that 'all our disturbances have sprung from the hardships under which the catholics labour.' What is this, but to say that they are *not* patient and loyal—that the rebellions and massacres, which we hoped were political, have all been *catholic;* the works of a perverse and pestilent sect, incapable of gratitude, unworthy of indulgence, unfit for toleration. Such is the false and detestable allegation of the partizan, espousing the catholic cause without affection, and calumniating his friends to dupe his opponents. But let *us* not charge upon the catholic as a crime, the frenzy of his advocate.

oral injustice of the catholic laws' is veh ly urged, but not easily proved. The when able, proscribed the protestant: victorious protestant copied the papist sta- against its enacters. We may doubt that t was wise, but not it was just. Who the inventor a of the brazen bull? 'But it is u t dics add, 'that the minority of a ople d restrict the majority, which we are.' True, numerically, as two e one. But if rank, property, education, industry, skill, manners, intelligence—the essence of a nation—be estimated, they are, of Ireland even, a weak minority; as, both numerically and morally, they are of the empire at large.

Finally, their plea should be, not of their force, nor of their numbers, but of their moderation, liberality and innocuous tenets; if they prove the former, without the latter, they prove against themselves.

XXXVIII. Their adversaries have but little advantage over them in the argument. The fear

of the protestant, like the complaint of the papist, comes too late. It strains at the gnat, having swallowed the camel.

I can well conceive why Lord Clare would have strangled papist privilege in its birth; why he feared to make the first plunge down the declivity of concession; why he refused power to the numerous and dangerous. But I cannot conceive, why we should now feel this after-alarm; why, having rushed down precipices, we stop short at a slope; why we indulge the populace, and restrict the few, the rich, the noble, and the loyal.

If we fear the revengeful bigotry of the papist, let us not exasperate, without disarming him. The power of the gentry and priesthood, let us conciliate or unnerve; we are in a practical dilemma. We must resume all that we have granted, or grant all that we retain.

I, confidently, advise the latter course.

XXXIX. Before the union, this perfect tole-

tation was impracticable. No state religion has ever dared to indulge a sectarian majority. France persecuted the protestant; England the papist; and Scotland both; and all succeeded. Scotland, becoming *predominantly* presbyterian, France, catholic, and England, protestant, persecution ceased, and toleration began. Ireland is almost the only country in the world, which has not had the disgrace and benefit of active persecution. There was enough to exasperate—not extinguish. But what early intolerance might have effected, the union has accomplished. The established *now* out-number the sectaries, and the catholic assertion of 'force,' and the protestant of 'danger,' are equally absurd.

Do we fear a papist parliament?—All the freeholders of the empire must first become papists, and then, emancipated or not, the parliament will, and ought to, be papist:—a papist king? it cannot be, till parliament and people are papist; then so should the king—papist judges and generals?—Why not; if upright and skilful. Their talents we may employ, but their bigotry we cannot fear, till the king is papist, and in

that event, however we now decide, there must be papist generals and judges.

History is called in to deceive us, not to enlighten: to bear witness of the popish tyrants John and James—and to omit Harry and Charles. We forget, too, how we *did* subdue John, and expel James, and would again, the imitator of either. Every thing is forgotten, but passion and party, and a great nation wastes its strength and reputation in antiquated follies and differences about nothing.

XL. I conclude, that the catholic lawyer, soldier, gentry, priesthood, and nobility, should be admitted to all the honours of their professions and ranks: That one torch of discord at least should be extinguished: That a nominal but degrading distinction should be abolished in a nation that fears the name of degradation, more even than the reality: That this should be done, because in politics words are things—because wisdom relieves real grievances, and policy, even the fictitious: because evil cannot result from this good, or, if it can, is counter-

ieed, or if not counter-balanced, may b
edied, as before.

Trade, when free, finds its level. So wil
ligion. The majority will no more persist—
hen it is not a point of *honour* to do so,
—in the worse faith, than it would in the
worse trade. Councils decide that the confes-
sion of Augsburg is heresy; and parliaments
vote that popery is superstition, and both impo-
tently. No man will ever be converted, when
his religion is also his party.

XLI. But expedient as catholic emancipatio
may be, I think it only expedient, and concei
it, not without the following conditions: 1. Th
no violence be done to the constitution, by f
cing from any of the three estates, a reluc
consent. If obstacles arise, they must be
mounted by time, by patience, and by the
2. That the priesthood be catholic, bu
popish:—paid by the state—approved b
crown—and independent of all foreig
troul. 3. That a wide and liberal sy
national education be adopted by the
ture, and promoted by every sect.

that my former proposition concerning voters at elections be adopted, or that 40s. freeholders be disfranchised altogether, lest numerous ignorance overwhelm education and wealth.

5. That the concession, general or restricted, be *final*; and that no Roman Catholic shall partake of the advantages, till he shall have acknowledged the immutability of this arrangement.

But if, at last, this measure be found impracticable, others more important and effective may be carried. I have enumerated them: and, I solemnly assert, as my most mature opinion, that without *them*, catholic emancipation would *not* tranquillize the country; and that they, without it, would. From those whom the penal laws would still affect we have nothing to fear: from those whom poverty, ignorance, and oppression brutalize, we have nothing to hope.

XLII. 5. On the defects of the Government of Ireland, this is not a season to dilate. Some of them are inevitable, and the correction of the rest cannot be accelerated—may be retarded, by discussion: what in other times might assuage, would in ours inflame.

Three sources of danger may, I think, without encrease of danger, be noticed.

A quicksand government, that swallows in its fluctuations every venture of reform. In seven years we have had four Chief Governors and eight Chief Secretaries of different principles and parties, each stifling the abortive system of his predecessor by a system as abortive.

In Abbott, active and indefatigable, not intending only, but attempting—putting months to more profit than others years; the Commons may have found their best Speaker, but Ireland lost too soon her ablest Minister.

And Wickham, Nepean, Vansittart, Long, and Elliott, what, in a few months, could they attain of information, or accomplish of reform?

With all their varied and various talents they were impotent; and years have elapsed and administrations reigned, without any change to Ireland but of years and administrations.

Do we think either that local knowledge is unnecessary to an Irish Minister—or that the King can confer it as he does a title?

Wavering is weakness—weakness in Ireland is wickedness. Leave with, or send to us, ministers, knowing us, whom we know: coolly planning - steadily executing: not a secretary with every season, and a system with every secretary.

Not to be forgotten is the madness or malice of parliamentary factions—surviving one senate—disturbing another; brandishing Ireland against the minister, not the enemy. She complains not less of the neglect of administrations, than of the notice of oppositions—their false friendship—their inflammatory pity—their hollow and hypocritical help.

But a more pressing danger impends from those who have as their object or pretence, the repeal of union: to many of the loyal an object: to all the disaffected a pretence.

When the friend of Ireland, the partizan of France, and the enemy of England may coalesce, the coalition is alarming, however specious the pretext. Treason will shelter itself under its loyal associates, till it dare to cast them off. It will use and dupe them.

My opinion I have already delivered, that, in our circumstances, the union, whether good or evil, was inevitable. The present posture of politics strengthens that opinion. Whatever is not England, must be France.

Will those even who may dissent from this, dare to promise, that the repeal would place us where we originally stood; that popular commotion can be put under settlement—that 1803 will stop short at the unsatisfactory and litigated boundary of 1782—that the rebellions in Ireland, the revolutions in France, and the subversion of Europe, are without consequences physical or moral?

If any believe these things, they dream: *for* them there is the barest possibility, *against* them all the probabilities of reason and experience.

XLIII. Here I should conclude, but I dare not; a solemn impression urges my pen. I have, perhaps, mistaken much—I have omitted much—but that which I cannot mistake—cannot omit—is the

novel and tremendous peril which surrounds us; most tremendous, because its novelty does not seem to surprize, nor its terror to alarm. The sword and sceptre of Europe are in one hand. Hosts more numerous than the Crusaders; an empire more powerful than the Roman, talents and force, such as never before were united, all associated against us! The boundaries, the thrones, the laws of nations are changed; all is changed, and still all changes; and every change is intended for our ruin. This is not our crime, it may be our merit: but it is our crime, and our folly, and our danger, that we are not united to avert the ruin; that our rulers are miserably squabbling about places, and our people disputing about dogmas. The instinct of brutes unites them in a common danger, the reason of man seems to render him an easier prey.

The ministry has exasperated the opposition, and the opposition the ministry. The Protestant is not blameless with regard to the Catholic, nor the Catholic with regard to the Protestant. England has not been guiltless towards Ireland, nor Ireland towards England. On all sides there

is something to be forgiven, and great cause that it should be forgiven. If our internal discords aid the enemy, we shall soon have neither parties, religion, nor countries.

And let us not deceive ourselves; all our united force against that enemy will not be superfluous. Let us not hope for external aid, for revolts amongst his tributaries, or rebellion in his empire: whilst he lives, there will be neither; the obedience of France he has insured by peace, and the submission of Europe by war: gratitude and fear will preserve quiet at home, while he tries his fortune and his talents against his last and greatest enemy.

If we are unanimous I do not despair of the event: if we are not, a miracle only can save us; our navies alone cannot—our armies cannot; but our navies, and our armies, and union, and toleration in politics and religion, may: I do not say they will; but if England and Ireland are true to themselves, and to each other, either their triumph will renovate the world, or their fall leave in the world nothing worth living for.

Thoughts crowd on my mind, wishes on my heart, and words to my pen; but to those who think I have said enough, and to those who feel, I am afraid to say more—

FINIS.

OBSERVATIONS

ON

LIME KILNS,

ADDRESSED

TO THE

Right Honourable and Honourable

THE

DUBLIN SOCIETY.

BY NUGENT BOOKER,

INVENTER OF THE

PATENT HEADS AND RINGS.

Dublin:

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OBSERVATIONS

ON

LIME KILNS, &c.

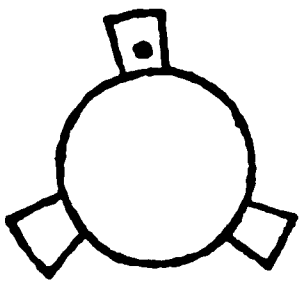
AS lime is an article in great demand, for reclaiming and manuring ground in all parts of the United Kingdom, and its effects found so beneficial, that it is frequently drawn above twenty miles for those purposes, I can have no doubt that any plan or invention to improve Lime Kilns, so as to save a considerable quantity of fuel, will meet the approbation of that most patriotic and enlightened body, the Dublin Society.

After various experiments to economise fuel in making lime, I have been so fortunate as to succeed beyond my most san-

guine hopes ; the method is simple and cheap, it not only saves fuel, but also labour and the health of the labourers, by protecting them from the heat and sulphur of the kilns, and has another advantage, the stones are calcined in one-third less time than usual.

These great benefits can be attached to all the common kilns now in use, at a very trifling expence, as will appear evident to every person who examines the plan I have the honor to lay before you. Almost all the common kilns are formed inside like an egg, the small end down, and about one-third of the broad end broke off; the improved kiln continues to shew the entire egg up to the top, forming a dome, and leaving an opening of three feet iameter, which is a sufficient space to feed it in the most expeditious manner, by throwing in the stones from the wheel-barrow; this must in itself appear a very great improvement compared with the wide mouthed kilns, and shew how much the common people are prejudiced to old customs, and how difficult it is to establish any improvement among them, for every lime-burner working at an open broad lime kiln,

must have frequently experienced, that when the wind blew strong from any point but the one opposite the eye, he got more raw than burnt stones, and lost the greatest part of his fuel; and that at such times he was obliged to put in an extraordinary quantity, and this loss was in a proportion to the breadth at top; yet such I believe is the plan of all the kilns in the kingdom, with very few exceptions. I am aware it may be objected, that at some modern kilns this has been effectually prevented by building a brick cone on the top, with an iron door in it; and I readily admit it does so, and that it is the only alteration or addition could be reckoned an improvement within my knowledge, except the one I am about to submit to your judgment. Having already described the form of it, with an open of three feet at top, there is placed on the upper course of bricks that line it, a ring of cast iron, about two and a half inches thick, and same breadth, like this,



and over it is placed a metal cone, about three feet high, with an open at top seven inches wide; there is a lid to fit the hole at top of this occasionally, with an aperture in the centre of about two inches wide; these covers confine the heated air most effectually, cause a draft up the kiln in the calmest weather, and would be apt to burst the kiln if a strong current blew in at the eye; but this is easily checked, by placing a board or any shelter before it. The head is easily shifted off as it turns on a pivot, and the kiln is then open whilst feeding, which is done in less than fifteen minutes, when it should be replaced. The advantage I experience from the close cover is this; I get *100 barrels of roach lime to every Winchester tun of Swansea culm, and the stone is of the heaviest and most compact sort, yielding an increase in bulk, when slacked, of three to one; that is, I get sixty gallons of slack from every twenty gallons of roach, and scarce get one barrel of raw lime in one

* The act for regulating the sale of lime, orders it to be measured in a tub 12 inches deep, 22 inches wide at top, and 21 at bottom in the clear, and containing 20 Irish gallons, and orders 40 gallons to a barrel of slack, and says, 20 of roach shall be deemed equal to 40 of slack, and therefore the 20 is called a barrel in roach.

hundred, often not a bushel, and even this trifle is to be attributed to the fault of the spar in some stones, and not to any error in the burning; the great produce of slack is on account of its being perfectly burnt, for lime not so well burnt would slack, but not give the same increase. Before I used the kilns, I got 60 to 70 barrels for each tah of culm, but I had more raw lime often in one week than I now have in a year. The advantages of this kiln (which I shall call the patent one) over the kiln covered with a brick cone, are as follow: To make a circle, large enough to fix an iron door in, requires the top to be eight feet wide, and the cone must be raised five or six feet above the level of the pit, and the sides brought strait as a gun barrel; it is clear, that although it is nearly as well defended from the common air and wind as the patent one, yet the heated air is not confined much better than in the open kiln, and cannot save much fuel, besides all I have seen of these kilns are spread abruptly from 18 inches at the bottom to eight feet wide, like a tundish, and when the lime is drawing out, the centre only falls

down and the sides stay up, the surface then becomes the same hollow shape, and it is impossible to distribute the fire for the next course as equally as if it fell level, and I have heard that lime never was known to be equally well burnt in such. Another great objection to this fixed cover is, that the poor labourer must stand over this furnace, while he is shovelling in a tun of stones, looking in frequently where to throw them. I built two kilns on this plan several years ago, my labourers by degrees pulled down the heads and refused to work at them any longer, unless I increased their wages; another consideration is, when the kiln wants any repair inside it must be all pulled down. I have trespassed rather much in making these objections, because I have heard it said, there was very little difference between this cover and the Patent Heads and Ring, and shall only observe, that the cone of bricks with the iron door and door-case, is infinitely more expensive than the Patent Head and Ring at twelve guineas, one being ten times more durable than the other, and their economy in fuel, labour, and expedition not to be compared. Since I advertised my Heads for

sale, I have received letters from most parts of the kingdom, and find it difficult to reconcile the various statements of the quantity of lime burnt with a tun of culm; for instance, I am told at Dundalk, a tun will burn 60 barrels, of 32 gallons each; in Carlow, where they have the strongest and best culm, they can burn but four measures to one, which is 64 barrels of 20 gallons each to the tun. There is too great a sameness in the kilns to suppose any difference lies there, and as to the culm, there cannot be better than is used at Carlow, but I am informed the lime-stone at Dundalk and Belfast, &c. is a light sort and easily burnt, therefore a judgment cannot be rightly formed of what fuel is saved by the Patent Heads, without taking into consideration both the quality of the stones and fuel; for instance, the stone that is hardest to burn, may pay so well for the fuel as that which will take less heat, if I get 150 barrels of slack lime, each 40 gallons, (which is about the truth) with one tun of culm, although in roach it was but 100, of 20 gallons each, I find it more profitable than to burn the weak stone that will not yield two measures of slack to one of roach.—

When I first used the close covers, I computed by the quantity of stones I put into the kiln, that it was burning above 120 barrels to the tun, but on casting up the number sold out, I found they fell one-fifth short of what went in. I was so particular in this, that I cannot be mistaken, for many nights in succession the kiln was filled to the top, and an exact account kept of what was drawn out the following day, and also of what stones it took to fill it as before, and the result was as I stated, one-fifth short; part of this deficiency may be attributed to the sharp edge being rubbed off the stones in falling down, as there is always a quantity of pulverized lime mixed through the roach, but whether the stone shrinks by calcining I am competent to determine; but I have not a doubt of the fact, that it will require five barrels of stones to make four of roach lime. I have several times weighed a barrel of stones broke small for the kiln, and also weighed a barrel of roach lime, the stones weighed one-third more than the lime, viz.

	lbs.
Weight of stones - - -	206½
Of lime - - -	134
	72½

But as lime is sold by bulk, and stones by weight, a fifth of stones should be added to the 206¼ lbs. to make a barrel of lime. I thought it necessary to state this difference in the bulk of stones raw and burnt, as I have known many to assert they burnt more lime with a barrel of culm than they really did, by reckoning from what went in, and not what came out.

Having now sufficiently stated my remarks on Lime-Kilns, I shall, in compliance with the request of all the gentlemen who have favoured me with orders for my Patent Heads, and with a sincere desire to give such information as my experience in the business enables me, to the public in general, and particularly to those who have not had an opportunity of knowing the practical part of lime-burning, which is daily extending itself through the kingdom: and having already described what I conceive to be a proper form of a lime-kiln, by the plan, it is only necessary to observe, that if a larger or smaller size is intended to be built, to proportion the bulge to the depth, but that the diameter at

top and bottom may be the same. As the lime is burnt at the top, fire bricks should be used there next the heat, if they can be procured at a price even above moderate. The lining of the kiln from the hearth for one-fourth ofits height, may be built with lime mortar, and from that to the top with strong clay mortar, well tempered, and not too wet, about the consistence of glazing putty; from the hearth to the bulge the bricks should present a smooth face, to let the lime fall freely, and the sides very steep as in the plan, but above the bulge where the kiln is narrowing, let each course project over the one under it, like an eve course, as these breaks will rather detain the flame and oblige it to act more forcibly; the bricks must be laid level to the floor at top, and on the last course bed the ring in clay-mortar, the wide side under, then any sort of flags may be dressed to fit round the kiln, bedded in lime-mortar and grouted, then the pivot may be put in any of the three joggles most convenient to the workmen and the head put on. The clay lining round the upper part of the pot should be well tempered and not very wet but throd-

den down, as it is a great perfection to have the pot air tight. In the ground part of the plan, there is a passage laid out three feet wide, covered with an arch to let in the air to the bottom from differing points, but as this will create some trouble and expence, and the purpose may be attained by making a thorough sewer from the space between the hearth and the bottom of the pot to the outside, which is marked in plan, for sake of œconomy I would recommend the sewer in preference, and also recommend the side and front walls to be splayed in proportion to the height, although they are shown perpendicular in the plan. As every regular bred mason, will be able from the plan and foregoing observations to erect a proper new kiln, I now proceed to the alteration of old ones: If the lining at bottom is in good order, it will only be necessary to pull down the lining at top, so far as to enable the mason to narrow it to three feet two inches; in some situations it might be better to add a foot or two to the top, and not disturb so much, or perhaps any part of the old work; this manner of doing it will depend on circumstances,

but if the entire wants new lining, a trammel should be put up adapted to the plan, the lower part of the pot should never be of a flat shape, but near to a perpendicular, that the lime may fall from the sides freely as well as the centre, that the surface may be tolerably level for dressing, and take care that the space from the hearth to the breast stone, that supplies the kiln with air, be not more than 10 or 12 inches high, or sunk much below the natural level, to take out the breast stone, and either put in a narrower one, or let the mason so alter it to leave it two feet high, and from fifteen to 18 inches wide; if a larger kiln leave it 2 feet 6 inches high. If there are any air-holes in the body of the kiln, stop them up, as it is best to let in sufficient at bottom, which cools the lime below, and in ascending will extend equally, but entering at the side will act partially. Having the kiln prepared, the first operation is to light it. There is or should be a bar or two of iron under the breast stone of every kiln, and between the bar and the bottom of the stone run in two flat bars of iron, about three inches broad, home to the

back of the kiln, resting on the back, or propped by bricks from the hearth; across these lay two short bars that will be free to fall down when the long bars are drawn away; this forms a grate with nine square opens, each from three to four inches wide; on these lay three or four short pieces of timber, about three or four inches thick, and over them a parcel of small sticks, such as will readily take fire; dip them in tar, or use an old tar barrel, to expedite the lighting; on these put about a bushel or more of round house coal, or a quantity of good turf, then a parcel of dried furze on them, and mixed in them, put two common baskets of small lime stone the size of eggs, then a bucket of coals or culm, then two buckets of the same size stones, then another bucket or more of culm, then three or four of stones, then two good buckets of culm and six of stones, then three of culm and twelve of stones, and lastly, four of culm and sixteen of stones; I suppose three buckets equal to half a barrel; then kindle straw, furze, and turf on the hearth, when there is wind blowing in at the eye, and keep watching and feeding

the fire until you are certain the coals are burning well, and keep the metal cover on the top of the kiln till you see the blaze come through, which it will generally in less than 24 hours; you may then throw on half a barrel of culm with a shovel, from the top, and round the blaze about four times as much stones broke small, and continue to feed the kiln as often as the fire comes strong up, proportioning the courses to the surface; where it is broad it will require more of culm and stones than where it is narrow, and this is to be observed at all times in feeding lime kilns, but with these heads, instead of four of stones to one of culm, put six when the kiln is safely lighted, but until it is full, draw out only about one-fourth of what you put in. I now come to the last operations, burning and drawing the lime; there are such a variety of stones and fuel used, it is impossible to state by a general rule how to proportion one to the other, but recommend this method, to measure the culm in a wheel-barrow, which is to be laid near the mouth of the kiln, and spread tolerably equal with a shovel over the surface, rather more

in the centre, to within six inches of the edges, then put the stones in the barrow, and throw them in close to the side opposite where you stand, going round to a fresh part with each, until all is put in except the last, this throw by hand in the hollow spaces till you leave a level surface; keep an account of the quantity of each, to know when the course comes down; if you put a brick-bat or two on the stones, you cannot be mistaken, and by observing how it is burnt, give more or less fuel, until you acquire a knowledge of the true proportion. The present custom is to put in the stones by guess, as in many places there is not a barrow used, this is a loose and wasteful method, and is one cause of having bad lime and raw stones. The kilns should be filled every evening, the head put on, and filled by hand as full of stones as it will hold, and a few outside to confine the heated air; in the morning, if the lime in the body of the kiln is well burnt, it will have fallen half the depth or more of the head; your first care is to have a course of stones ready broke, none heavier than four or five pounds weight for large kilns,

and for small much less; when the stones are ready broke, draw out a full course of lime, and shut the eye up close, then put in the culm as directed, first levelling the kiln, which will be a conical shape, when only one course is drawn out, and by drawing a little from the centre towards the sides, with the shovel, will be sufficiently level, but if there is a very strong fire, you may put a barrow of raw stones round the edge to help to level it, and in this narrow part of the kiln, put to half a barrel of culm six measures of stone over and above the stones to level, that is, if you use good culm, levelling the top always as before directed, then open the air-hole. You may continue to draw the courses out all day, if you get no hot lime at the bottom; always take care to have the stones broke before the cover is taken off, that you may the sooner be able to put it on again, and if the weather be calm, or in an adverse point, keep on the lid, leaving but two inches for the smoke to evaporate, but if there is a tolerable wind, keep the lid off; it saves fuel to work the kiln as constant as possible, so that you do not draw out hot

lime. The kilns take more fuel in the beginning than the end of the week; as the fire is spent on Sunday, it would be proper on that morning to shut the eye up if there is much wind, if calm leave it open; on Thursday I increase the quantity of stones to the culm, and on Friday and Saturday still more, putting on Saturday eight to one, and always more stones are put on when there is wind coming up than if calm. On Sunday morning it is necessary to put more or less stones on the kiln, without any fuel, according to the weather and strength of the fire, from one to four barrows, but when necessary to draw down the kiln very deep, to answer a demand for lime, the courses must be in proportion heavy, as two barrows of culm to twelve or sometimes sixteen of stones; if there is fire to the bottom, I again repeat, that to be a good limeburner, all the courses must be measured in a barrow, holding 20 Winchester gallons or thereabouts, and he should keep an exact account of all the courses, and make observations on the state of the kiln at the time;

but as few lime-burners can read or write, they should get some person to keep the account, until they have perfect knowledge of the business. And as the influence of the winds is completely shut out from the top of the kiln, which frequently baffled the skill of the most experienced, I have no doubt that in a few weeks, any intelligent labourer may be now taught to burn lime to perfection. It may be suspected by many, that I am prejudiced so far as to say more of the effects of this improvement than it deserves; I intreat such to view the kilns on a working day, to see the quantity of stones and fuel put in, and the sort of lime taking out, and to form a judgment from such demonstration. My chief object in addressing this treatise to your most respectable body, which I consider the proper fountain for every useful art and science to flow from, as your recommendations will carry due weight, is from the strongest conviction of its utility to the public. Any trifling emolument I can derive by the remuneration reserved to myself, could be of little consequence compared

to the high gratification of having, in the smallest degree, contributed to the improvement of agriculture, by increasing the making of lime, for which purpose I have particularly shewn how to save the waste of fuel, even without using my Patent Heads.

I remain,

My lords and gentlemen,

Your most respectful,

Most devoted,

And very humble servant,

NUGENT BOOKER.

Lime-Hill,
Co. Dublin.

As there are many places where it may be more convenient to burn lime with turf than culm, I am confident the heads will be found equally useful over such kilns, but would recommend the stones to be broke very small, and to keep the kiln hung on close bars over the hearth.

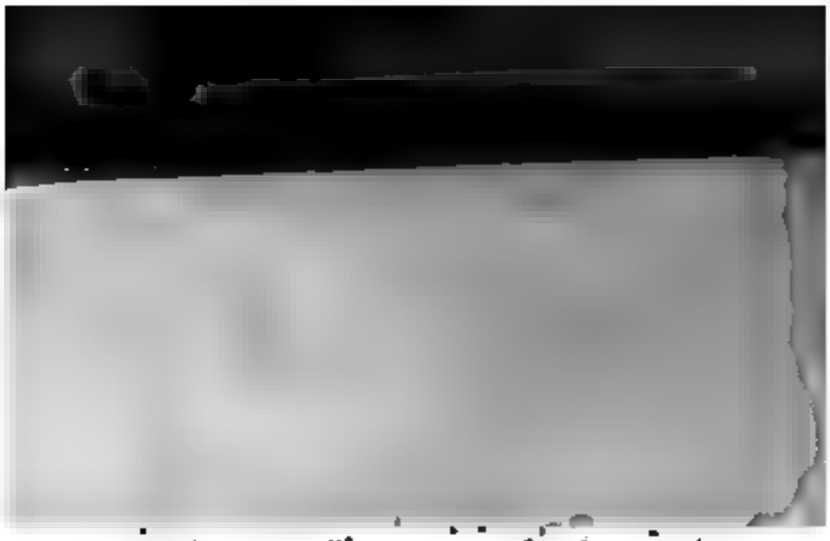
It may be necessary to observe, if lime be overburnt it assumes a dark colour, and is heavier than the raw stone, and takes a long time after it is watered before it will burst.

In order to encourage the general use of the Patent Heads and Rings, the Patentee has reserved for himself, a profit under six guineas.

As the charge is but twelve guineas for the apparatus and license to use them, except in the city and county of Dublin, which will require a special agreement and much higher terms.

For particulars, apply by letter, to Nugent Booker, 4, Buckingham-street, or at his lime-kilns, St. Dolough's, near Dublin. The Heads, &c. can be seen at the Farming Manufactory, North-Wall.

FINIS.



AN

ESSAY

ON THE FOLLOWING

PRIZE-QUESTION,

PROPOSED BY THE

ROYAL IRISH ACADEMY,

" *Whether and how far the Cultivation of Science and that*
" *of Polite Literature assist or obstruct each other?*"

By JOHN WALKER,

FORMERLY FELLOW OF DUBLIN COLLEGE.

Etenim omnes artes, quæ ad humanitatem pertinent, habent quoddam commune vinculum, & quasi cognatione quadam inter se continentur.

Cic. pro Arch.

DUBLIN:

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1912.

226. i. 109. (2)

TO HIS EXCELLENCY

CHARLES,

DUKE OF RICHMOND,

LIEUTENANT GENERAL AND GENERAL GOVERNOR OF IRELAND;

OF THE MOST NOBLE ORDER OF THE GARTER, &c. &c. &c.

MY LORD,

DETERRED, by the consciousness of my obscurity as an individual, from soliciting permission to inscribe the following pages to your EXCELLENCY, I have yet been induced to risk the charge of presumption by doing so without permission.

YOUR EXCELLENCY's known condescension encourages me to hope for pardon; and to conceive that the subject of this short Essay may perhaps appear not uninteresting to a Nobleman of cultivated mind. Happy should I be, if it proved so fortunate as to engage your EXCELLENCY's attention to the state of *Classical Literature* in Ireland, and to the means suggested for its advancement.

While so many Dissenters from the religious Establishment of this country are evidencing, by their conduct as political agitators, that their Religion is not that of genuine Christianity, I would entreat permission,

of civil protection, of equal law, and of liber
conscience. Bound by the principles, which I
learned from Scripture, to conduct myself as a
and peaceable Citizen of any State, I have a
feeling of the further claims, which the Gover
of this country possesses on my grateful Attach

I have the honor to be,

My Lord,

With the highest respect,

Your Excellency's most de

Obedient,

And very humble Servan

JOHN WALI

ADVERTISEMENT.

'E occasion of my writing the following Essay fficiently indicated by the Titlepage. In now itting it to the Public, I have only to declare I have not the remotest idea of appealing from lecision, which allotted to another composition Prize proposed by the Academy. I have no t that this decision was founded on the most ct and impartial judgment; can readily believe the successful Essay possesses merit ever so superior to mine; and am too dead to the ry of Authorship to have any feeling, but that tisfaction, at finding that Polite Literature has re able Advocate than myself.

it be asked—Why then publish?—*I reply*,— *the same motive, which chiefly induced me to ; a desire of calling the public attention to tate of* Classical Learning *in this country, and citing those, who possess the means, to remove of the greatest hindrances to its successful ation.*

If this production of my pen have any tendency to promote that very important object,—(and to this, I conceive, its very brevity may somewhat contribute)—I shall indulge the hope that, in the eye of the candid Critic, its practical usefulness may cover its literary defects.

No. 73, Lower Dorset-Street,
August 24, 1812.

AN

ESSAY, &c.

IT is owing to the littleness and vanity of the human mind, that we are all so prone to depreciate the studies of others, while we extol the usefulness and dignity of our own. The man of science, the naturalist, the experimental philosopher, and the polite scholar, are apt each to represent his own department in literature as the only one worthy of cultivation; while, in fact, none of them could be cultivated with success, if any one of them were cultivated exclusively.

And this indeed is one of the many benefits of a truly liberal education, that it tends to correct that narrowness of view; discovers the general connexion between the multifarious objects of human intellect; lays a broad and solid foundation for the further prosecution of any one among them, which may recommend itself most to the taste of the individual; and, while it furnishes him with peculiar advantages for the successful pursuit of his own favourite study, guards him against a contemptuous indifference to the literary engagements of others.

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It is in the literary, as in the natural world. Presumptuous ignorance is forward to pronounce the uselessness of some parts in the works of nature. But an intimate acquaintance with what appears most minute and unimportant establishes the maxim, that *Nature does nothing in vain:* and to the most extended survey such a concatenation appears subsisting between her least and greatest productions, that we may doubt whether the least of them could be annihilated, without disturbing the harmony and destroying the wellbeing of the whole.

But, although there be a similarly common interest and mutual subserviency amongst all the branches of literature, some of them are from time to time liable to pass into neglect, while others engross more than due attention. And it is one of the most important duties of those enlightened few, to whom the general superintendence of learning belongs, to check such an evil on its first appearance, and to guard against a retrograde movement in any part of human knowledge, under a conviction that it must be unfavourable in its consequences to the real progress of every other.

I have long apprehended a danger of this kind, with respect to *classical learning;* and think I perceive many alarming symptoms, which threaten its extinction. In one great Empire, which now possesses the dominion or control over the larger part of Europe, classical learning is declared by authority to be unnecesssary for—what are called the learned professions. For several years also the convulsed state of the civilized world—unfavourable to literature universally—has been peculiarly so to the elegances of polite literature: and the general temper of the times is marked by a growing contempt for all that is ancient.

In -

In these countries no doubt, there are old and valuable institutions, which ensure—while they continue—a continued attention to the forms at least of classical learning. But it would be folly to deny or conceal the fact, that it has lost its hold upon the public mind. From having been once over-rated,—and perhaps partly on that very account,—it is rapidly passing into disesteem: and to a cultivated taste the vitiated style of modern composition must appear at once one of the consequences, and one of the evidences, of its neglect.

On these accounts, and from the intimate connexion between classical learning and all polite literature, I hope I shall be excused for somewhat narrowing the question proposed by the Academy, and confining myself in this Essay to the inquiry—*How far the cultivation of* SCIENCE *and that of* CLASSICAL LEARNING *assist or obstruct each other.*

In speaking of *Science*, I shall use the word in that extended signification, which I conceive was designed to be attached to it by the terms of the question; as comprehending all those departments in learning, which are commonly distinguished from *polite* literature:—though it may be remarked, that the name perhaps strictly belongs only to *Mathematics* and the *mathematical* branches of natural Philosophy; and that in Mathematics the ancients are confessedly our masters. To the geometrical science of the Greek school,—unrivalled in the beauty, clearness, and accuracy of its method,—NEWTON himself was indebted for the principles, which his genius extended and applied;—applied, as to other subjects, so to the demonstration of that very system of the universe, which had been asserted by one of such remote antiquity as PYTHAGORAS.

In another respect also we stand indebted to the ancient Classics for all our modern improvements in Science. What was it, that awakened Europe from a long sleep of ignorance, in which the powers of the human mind had lain unexercised and torpid? What was the light that first broke in upon the dark ages, and roused an unlettered world to literary exertion? We were awakened, enlightened, and refined by the Greek and Latin Classics, circulated through the introduction of the art of printing. Nor is it any wonder, that for some time a critical acquaintance with their writings usurped almost exclusively the name of learning; or that scholars, in their admiration of the beauties of classical antiquity, conceived at first that the whole of human knowledge was comprehended in their works. But hence certainly proceeded the original stimulus, which has issued in the present advanced state of the sciences and arts.

There might appear therefore some degree of ingratitude in our now consigning to neglect those Classics, to whom our literary obligations are so great. And perhaps there is an equal degree of presumption in the supposition, that we have nothing more to learn from them.

I know that the ancients are commonly decried as children in Science; because, charmed with the attractions of *abstract* science, they certainly did neglect experiment, and undervalued the practical applications of scientific principle. Yet—even here—such various instances stand on record of their skill in mechanics and other arts, which promote the conveniences of polished life, as prove they were not such children, as many represent them. And it might abate the pride of modern knowledge, to observe how much we are indebted to *accident*, for the discovery

of

of many of those instruments, which have made us superior to the ancients in some branches of knowledge.

But I shall yield to the adversaries of classical learning every advantage, in the argument, which they can desire. I shall suppose, that every thing valuable in the writers of Greece and Rome has been either transfused into the works of the moderns, or is accessible to the mere English reader in translations: that we are in full and permanent possession of all the information they contain in Mathematics, Logic, and Astronomy,—in History, Geography, and Criticism. I shall suppose, that no more treasures of antiquity remain, to be brought to light, in all those inedited manuscripts, which—to the disgrace of literary Europe—still continue unexplored. Nay, I shall suppose that our Orators and Poets are as successful rivals of the ancients, as the worst of them in his ignorance and vanity can imagine.

Nor shall I insist upon that consideration, which must ever stamp classical learning with paramount importance, in the view of all the friends of Revelation;—upon the connexion between sound theology and a critical interpretation of the dead languages;—or upon the degree, in which their extinction must shake all historic evidence, and in this affect the very foundation of revealed truth.

Let that consequence also be supposed as desirable, as it may secretly appear to some. Let every thing, which they can demand, be conceded to those who think that the Classics ought to fall into oblivion and neglect. Yet I hope to prove, that the cultivation of classical learning, as a constituent part of liberal education,—so far from obstructing science,—is most importantly conducive to its advancement; that they have common interests, and common adversaries; and that the progress

of

of scientific learning is materially impeded by the declining state of classical.

There is no argument more frequently employed by the declaimers against classical learning, than that it is absurd to devote so many years, in the spring-time of life, to the study of *words*;—words, which the wise man uses but as counters, while the fool alone values them as money. But this argument, with all the changes that are rung upon it, proceeds upon multiplied mistakes; and exemplifies the abuse of words, which it professes to decry. The argument might have conclusive force, if languages were but vocabularies of unmeaning sounds. But, in learning languages, does not the youthful mind learn ideas too? Is not its stock of these materials of knowledge progressively enlarged? Are not its powers exercised in comparing, discriminating, and combining ideas? And ought not this, to be the first object of liberal education?

I speak not now of the knowledge of *things*, acquired in the perusal of the Greek and Roman Classics. I speak not of the acquaintance, to which it introduces us, with the facts, the manners, the characters, the sentiments of ancient times. I speak of the initiatory exercises of Grammar and of Syntax: and, at the early age which ought to be allotted to these, I maintain that there is no intellectual exercise better calculated to furnish the elements of thought, to fix the attention, to call forth the latent powers of the understanding, and to employ—without overstraining—its most important energies.

Indeed the connexion between language and thought is much more intimate, than superficial inquirers imagine. Language is allowed by all to be the great vehicle, by which thoughts are communicated: and in this view alone,

alone, the importance of an accurate acquaintance with language is incalculable. But many are not aware, that it is also the great *instrument*—if I may be allowed the expression—of thought; that every man thinks in language, even when he thinks in privacy and utters not a word.

If there be any subject of human reason, in which the mind can exercise its powers independently of language, it may be supposed to be Geometry. But let any man, most familiar with a Geometrical demonstration, endeavour to present it, in all its steps, to his own mind divested of words; and he will find himself baffled in the attempt. Nor is it unreasonable to suppose, that—if words alone could be totally effaced from the recollection—the mind, though retaining all its other acquisitions, would retain them to no effectual purpose, but would be reduced to a state of infantile imbecility. With so much is it of philosophic justice, that in the Greek tongue the same term, which expresses a *word*, expresses also the *reasoning* faculty.—But alas! though we cannot think without employing words, we may employ words without thinking. Were it not so, many would be tongue-tied, who are now most voluble in decrying the wisdom of our forefathers.

In scientific pursuits, no mental habit is of more importance, than a readiness in examining the closeness of our own reasoning, and a quickness in detecting any latent vagueness or inaccuracy of conception. And nothing promotes this habit, more than an early acquaintance with the accurate analysis of language. Any defect of correctness in thinking is betrayed most immediately by the perplexity, or want of clearness and precision, in the expressions which imbody our thoughts. And hence

it

it is, that all real scholars, who have been en
in *teaching*, must have experienced—many a ma
conceived himself to possess a perfect knowledge of
tific principles, till he came to express himself o
subject to others: but then has discovered that his
ceptions have been erroneous, inaccurate, or ob
By the person unacquainted with the structure of
guage, and unaccustomed to examine it strictly,
evidence of defective reasoning is commonly overlo
and he rests at once in thoughts without precision
expressions without distinct meaning.

Let me not be understood as saying, that the
linguist must also be of course a sound reasoner. He
possess inferior powers of natural understanding
if a mere linguist, whatever be his intellectual power
has neglected to exercise and invigorate them by sci
studies. But I do say, that the highest genius la
under the most considerable disadvantage in scien
not skilled in language: and that the intellect of a B
or a NEWTON could not be supposed—under such
advantage—to have produced the works which im
talize their names.

Yet let not the mere linguist be despised, as a t
trifler in the field of literature. That field is so spa
that all parts of it cannot be occupied by the same pe
and to be cultivated with general advantage, some
must receive the undivided attention of certain indivi
The objects of human knowledge are so numerous
there subsits such a mutual subserviency of each
that literary labour must be divided: and none b
superficial observer will lament the minuteness o
portion, which engrosses the attention of some, or
at the ardour, with which they prosecute the investig

of apparently unimportant objects. That very ardour of individual research, however disproportionate—even really disproportionate—to the objects which excite it, contributes to the increase and perfection of the common stock; and often gives employment to a mind, which would otherwise be idle.

I wish also the friends of science to give their special attention to this fact;—that the same men, who decry the study of the dead languages as a useless waste of mental exertion,—as the unprofitable study of words instead of things,—are also the most forward to point their shafts of ridicule against such *scientific* pursuits, as present no obvious utility to the optics of these arbiters of literature. The same flippancy of presumptuous ignorance, that laughs at a learned disquisition upon Greek accents, is equally prompt to deride the ardour of the naturalist in hunting butterflies, in exploring the varieties of a moss, or collecting specimens of rude stones. Nay a Newton; examining the colours of a bubble; or demonstrating the properties of a crooked line; would be screened—if screened—from their sneers, only by the celebrity of his name.

It certainly is not peculiar to this age, that the ignorant vulgar should despise what they do not understand. But the magisterial arrogance of the ignorant vulgar does seem to me a characteristic feature of the present times. Such are now writers, orators, philosophers, correctors of old prejudices, discoverers of new systems; enlightening and instructing the world. Such, with the brazen front of self-satisfied folly, put themselves forward as wiser than the wisest of the ancient; and by the very boldness of their pretensions are often too successful, in imposing their crudest absurdities on the public. But

such

such are the common enemies of Literature; whom all its friends should combine together to repress.

Nor let any of its friends imagine, that they have no cause to be alarmed, because it is not *their* province which is immediately invaded, but one perhaps of which they—from unacquaintance with it—have overlooked the importance. We have already remarked, that between the several departments in the great commonwealth of literature there is such a community of interest, such a reciprocal dependence and mutual connexion, that even the smallest cannot be destroyed without danger to every other. In time of peace from foreign foes, the competitions of its different members may but contribute to that activity of diversified pursuit, which shall prove conducive to the general good:—provided such a sovereign control be maintained over their petty emulations, that no individuals shall be allowed to aggrandize themselves by the depression of their neighbours. But when any part of the state is invaded by a barbarous enemy, the danger is common to all; and all ought to forget their mutual differences in the common interest of repelling it.

There is a sentiment, which I am sorry to observe obtains increasing currency even among men of cultivated minds,—that knowledge is to be valued only as far as it is practically useful; and that its practical utility is to be measured by its subserviency to the common purposes of life. This sentiment—in the form and extent, in which it is frequently maintained—appears to me derogatory to the dignity of the human mind; and to degrade man from the rank of an intellectual being, to that of a merely corporeal, and capable only of animal ments. Nay, as held by many, it seems

from the sordid feeling—that nothing is worth more than the *money* which it will bring. To this commercial principle a commercial nation perhaps has a natural tendency; but *it* is a principle most unfavourable to all sciences and arts, however it may seem for a time to cherish some of them.

I would be far from undervaluing the beneficial results of science, in improving the arts, and increasing the conveniences—or even the luxuries—of civil life. I can smile at the excess of philosophic dignity in Archimedes,* who felt as if he degraded Mathematics in condescending to fabricate machines for his royal relative. I view with admiration the advancement of navigation by the perfection of the lunar tables; the œconomizing of human labour by the invention of the steam-engine; and the various other instances, in which the triumphant discoveries of science have been extended, from the study of the philosopher, to the palace of the king and the cottage of the peasant. But I confess, that I retain so much of the feelings of the old school, as to conceive knowledge possesses still stronger claims on our estimation; that the improvement of our fortunes, our habitations, our clothing, and our food is not its highest recommendation; and that the enlargement of our views, the gratification of our judgment, and the refinement of our intellectul taste constitute its chief value; a value—undervalued indeed, except by its possessors—yet as much superior to the former, as the rational and imperishable soul is preeminent above the body. The man, who cultivates science only, or chiefly, for the sake of those practical results, which she occasionally affords, is not

among

* ἂν ἄλως τίχων χρείας ἐπαναγκάσῃ ἀχθῆναι ἢ βάναυσον ἐπιθεῖναι τέχνην. Plut. in Marcell.

among her real votaries. He may be an artist, but is not a philosopher: and for the highest improvements of the arts themselves he must still be indebted to those—the more disinterested admirers,—whose ardour is excited by the abstract charms, which he disesteems.

Nor let me be charged with digressing in these observations from the question, which I have proposed to discuss. The intimate connexion between the interests of science and of polite literature may be more clearly discerned, when we observe, that not only the same characters are hostile to both, but that the same principles of argument, by which they attempt to decry the one, are equally pointed against the other. No topic of declamation is more frequently employed against classical learning, than the question—*cui bono? What is the use*, say they, *of spending so much time and pains in learning dead languages? To what practical purpose can the knowledge afterwards be turned?* The narrow view, which these men take of practical utility, is confined within the circle of pecuniary advantages and corporeal enjoyments: and their objection equally tends to overturn the very foundations of science, and to bring back a dark night of unlettered barbarism. For let it be once established, that science is to be prosecuted no further, than as it is applicable to the purposes of common life; and the very first principles of science will be soon forgotten.

The man, who would despise the demonstrative calculation of the velocity of light from the aberration of the fixed stars, unless he were assured that it might be turned to some practical use;—the man, who would suspend his admiration of the splendid discoveries in modern chemistry, till he should see that they afford some profitable results;—the man, who would prefer the discovery

of

dye, for improving the colour of cloth, to that noble
ch of ingenious speculation, which connects the phe-
ena of the solar spectrum with Voltaic electricity;—
man has a servile and a sordid mind: and it would
degradation of literature to admit the justice of his
iples, by telling him that benefits, the most im-
nt, have accrued to society from scientific sources
rectly the most remote. This reply, however con-
lly true, would seem to abandon the intrinsic ex-
ce of knowledge; would seem to surrender the
g vantage ground, on which her claims to our re-
must ever stand,—as distinguishing man from the
of the animal creation, and raising him in the scale
tellectual being. On that impregnable ground we
always maintain the unvaried dignity and importance
iversal literature and science.

he keenest adversaries of the dead languages are often,
strange inconsistency, warm advocates for learning
iving languages of foreign countries. A knowledge
ench and Italian is reckoned a necessary part even
male education. Yet few comparatively in these
ries have actual occasion, in future life, either to
; or write in French or in Italian: and still fewer,
jabbering them in their youth for years, are able to
; or to write in these languages with accuracy and
nce. It must be supposed therefore that the main
ntage, which recommends them to these patrons of
education, is this;—that they introduce us to an
intance with the writers and literary productions of
n countries. And I readily admit that this is an
tant object; while I lament that the class of con-
d writers, most generally obtruded on our acquaint-
is of a description either worthless or pernicious.

But what judge of literary excellence will compare the productions of modern Europe with those standards of composition, which the poets, orators, philosophers, and historians of ancient Greece and Rome afford us? Their works are the great storehouse, from which every thing of correct taste in the beautiful and sublime has been derived: and among the writers of modern times, they have made the nearest approaches to perfection, who have formed themselves most studiously upon the unrivalled models of antiquity. What modern language indeed, on a comparison with the Greek—or even with the Latin tongue, must not yield the palm? Which of them must not be owned inferior, in the combined characters of brevity and copiousness of expression, in elegance and force and harmony of varied structure? Let it also be observed, that Latin is the common basis of most European languages; and that the classical scholar can find no difficulty in mastering any of these, at any time, by the application of a few months: while it is rare to find, and hard indeed to conceive, any one ignorant of the classics, and at the same time critically acquainted with his mother tongue.

In short, if the knowledge of French, Italian, &c. extend our literary citizenship to other countries than our own; an acquaintance with the languages of ancient Greece and Rome at once infinitely facilitates the former acquirement,—opens to us the original and richer sources of literature,—and connects us by a kind of coexistence with past ages. Let classical learning become extinct, and we become inhabitants of a younger world, to which the experience, the wisdom, and the wit of ancient times are effectually lost. Let the popular objection be admitted against classical learning, as a thing of little practical benefit;

benefit; and the very citadel—not only of polite literature —but of science is surrendered to a barbarous foe.

But some may say—" We are not enemies to polite " literature; nor do we desire that classical learning " should become extinct. But is it not put out of place, " in being made the chief, or sole, object of liberal edu- " cation in our schools?"—My design is not to defend, in all respects, the present system of school-education; and I shall hereafter point out some particulars, in which it appears to me defective, injurious, and absurd. But I confess that I prefer it, with all its present defects, to any pretended reformation, which would displace classical learning from the rank of a constituent—and principal—part of all liberal education.

If education be conducted aright, it must commence at a very early age. And if, at a still earlier age, that preparatory control has been maintained over the child, which *is needful* for subjecting it to discipline and habits of attention; the subsequent course of instruction may proceed—not only without trenching at all upon youthful enjoyments—but so as to promote them considerably. Far indeed would I be from abridging the exercise or amusements of childhood. But no mistake can be greater, than the supposition that absolute idleness promotes, or is consistent with the true enjoyment of life, either in the man or child. Few states are more wretched, than the void of listless satiety, in which the mind—wearied of pleasure—preys upon itself, and knows not where to turn for employment. If you would bring up a child for the sole object of *pleasurable* existence, form in that child early habits of submission to control, and of application to business.

It

It is not then unreasonable to suppose, that the child at eight years of age is so far acquainted with his mother tongue, as to be able to read it with correctness and facility, and to know some of the principles of general grammar. Now I ask, in what branch of study can he be employed more profitably, from that period till the age of fourteen, than in the study of the Greek and Latin tongues? Childhood is peculiarly the age for learning the elements of languages. The elements of languages can at that time be effectually taught; and in acquiring the knowledge of them, the youthful mind is exercised, and cultivated, and stored with ideas, and trained to skill in using an instrument the most extensively important, whatever be the future objects to which the attention may be directed;—the most important in its connection both with accurate thinking, and with the clear and elegant communication of our thoughts. The moderate, but regular, application of two hours a day, under a proper method of instruction, would be sufficient—I am bold to assert—for conveying to the child, during the period which I have specified, such a knowledge of the languages of Greece and Rome, as would render the further study of their writers a matter of elegant enjoyment to his ripening taste, and delightful improvement to his mature judgment.

But if we exclude the classics from the general system of liberal education, what can we effect during the same period in the cultivation of science? Shall we proceed to make the child of eight years old a philosopher?—Yes; I am aware that some of our modern reformers conceive the notion, of teaching children *geometry*, and *astronomy*, and *chemistry*, and *geology*, and I know not what *. But it

* See Note A. at the end.

it is a preposterous and cruel notion, founded in ignorance—both of the human mind—and of the sciences, which these smatterers in literature profess to patronize. We must wait for the progress of nature to develope and strengthen the intellectual powers; and if we attempt by injudicious culture to force the fruit of science, we can at most obtain a production crude and noxious; and we bid fair to destroy the mental faculties by overstraining them.

Others there are, who would avoid this error by letting the child *run wild* to the age of puberty: and the eloquent, but visionary, Rousseau has employed all the fascinations of language and fancy, to recommend this system—of *leaving the intellectual faculties inactive as long as possible*, that they may at length be called to the most effectual exercise. According to this theory, " if we " could but bring up our pupil healthy and robust to the " age of twelve years, without his being able to distin- " guish his right hand from his left, the eyes of his un- " derstanding would be open to reason at our first lesson; " and he would become under proper instructions the " wisest of men." If this were so, what a rare philosopher might have been formed out of the savage of AVIGNON!

I formerly knew a gentleman, who followed Rousseau's plan in bringing up his son. I very early warned him of the probable result; and had afterwards abundant opportunities of seeing my predictions verified. The youth,—who seemed to labour under no inferiority of natural understanding, and had grown up to the age of twelve or thirteen without knowing even his letters,—when an attempt was afterwards made to educate him, proved wholly unequal to the attention and mental exercise requisite in

abstract

abstract reasoning. I saw him once brought, by grea exertion, to perceive the inference—that two lines, o which one was neither greater nor less than the other must be equal. I believe it was the first rational in ference, the force of which he ever discerned; and I be lieve it was the last. Having succeeded in producing an motion in the wheels of the intellectual machine, I en tertained a hope that they might receive a continued pro gressive impulse. But I soon perceived, that his mind— as if exhausted by the effort—sunk back to its former stat of motionless inactivity.

Indeed it is hard to say, which is most injurious to th intellect of children, the total neglect of early culture or a culture excessive in degree, and ill-adapted in it kind to the tenderness of early life. As the latter ex hausts the soil, and produces a growth as unhealthy an ill-formed, as it is premature; so the general consequenc of the former is a rigidness of texture, which defies futur cultivation. And it is worthy of observation, that th study of *languages* is that, to which the mind in ver early childhood appears most competent; which—in it first elements—exercises the attention and the memory while—in the progress of interpretation—it employ thought, calls forth the ingenuity of research, multiplie the ideas, enlarges the views, informs the judgment, an refines the taste.

But let it also be observed, that the time, which I pro pose allotting to the acquisition of the learned languages can by no means interfere with any other objects, whic may be supposed suited to the age of childhood. Fo the prosecution of other studies, one or two hours mor in each day, during the same period, would be found amply sufficient: and during childhood, I would neve

extend

extend the time of application to business beyond four hours in the day. Writing, English reading, History, Geography, and Chronology (as far as connected with the two latter)—one or more of these I suppose to form part of the daily employment: while some of them may be taught in such a form, as will contribute to the amusement and relaxation of the pupil. In the course also of English reading, a considerable acquaintance with facts in Natural History may be formed: and I am aware, that under proper masters a child may—in his walks—be usefully led to distinguish various objects in the vegetable and mineral kingdoms; so far at least, as to be familiar with the leading characters of the principal classes. Yet I confess, that I value these acquirements, at the early period of which I speak, rather as calculated to awaken a spirit of accurate and attentive observation, than for the immediate information which they convey.

But *there is* one branch of science,—science strictly so called—the elements of which I am persuaded are level to the capacity of a child; and I consider the neglect of it as a great and lamentable defect, in our system of liberal education. I mean ARITHMETIC:—not that art of technical calculation, which commonly goes under the name;—but the science of numbers, considered as a branch of Mathematics. I know not any class of ideas, with which the mind may be sooner made familiar, than those of *number*: nor any, about which it may sooner be engaged, with much advantage, in close reasoning. The thing taught as Arithmetic, in mercantile schools, is unworthy of the name of SCIENCE; and even to this, in classical schools, little or no attention is paid: which, I am convinced, is the reason, why so many students in the University find insuperable difficulties in Geometry

and

and Analytics. If I might presume to suggest a hi
the heads of that learned body, I would say that tl
medy of this evil might well deserve their considera
and that it might be remedied, by their introducing
the schools a system of scientific Arithmetic, which s
combine familiarity of illustration with a method s
demonstrative. The use of such a treatise might
be enforced in the classical schools, by their includ
in the course of examination requisite for admissio
College.

The mention of this leads me to not the most gr
part of my subject;—to point out some other partic
in which the present system of classical educatio
seem to me to impede the progress of science and
neral literature. This is an ungrateful task; in
nothing but the paramount consideration of public
could induce me to engage. But most of the partic
which I shall notice, are such as admit an easy rem
and are but the accidental imperfections of a system,
I value as radically good, and would lament to se
placed by any of the visionary theories of moder
formers.

The first evil I would mark is—the extravagant l
of time in each day, for which children are kept in s
I leave it to the medical profession to determine, ho
so much confinement is consistent with the health a
gour of their bodies. The objections which I ad
against it are two: 1st. that it tends to give them
taste to study,—a relish for which it ought to be one
object of liberal education to form: 2ndly. that it
notes a habit of mental indolence and inattention d
the periods of study,—than which no habit is mor
favourable to literary progress. The child cannot, i

nature of things, have his mind actively engaged for so many hours, as he is obliged to have his books and papers before him. But he must in general *seem* to be engaged; and he therefore lounges, and dreams over his books and papers. Half the time, or less, would be sufficient to finish his assigned task: but, from this very circumstance, he is often led to give no real application to it from first to last. It may perhaps be more easy to point out this evil, than to find a remedy for it, as long as that observation of the Roman Satyrist shall remain true—*res nulli minoris Constabit patri, quam filius.* But parents may be assured, that their children might make much greater progress in literature, if the time they nominally spend in study were much less.

Another evil, connected with the former, though apparently of an opposite nature, is—the number of holidays, so called, and the length of vacations, which boys are allowed in most schools. This contributes to impress on their minds the sentiment, that absolute idleness is enjoyment;—a sentiment as unfounded in truth, as it is pernicious in its influence on the future habits. It besides accustoms them to that kind of desultory application, by fits and starts, which never can supply the place of regular diligence. A course of uniform—daily study, attentively pursued, and therefore moderately continued, —is that which alone can ensure effectual progress; and that which—so far from impeding—promotes enjoyment.

I have now to notice the comparative inefficiency of our school-education, for communicating a real and manly acquaintance with the languages of Greece and Rome. And in stating this, and proceeding to assign one of the obvious causes of it, I do not really depart from the subject of this Essay. The imperfectness of school-education

tion is most unfavourable to the success of Collegiate; and too much diverts the latter from that which ought to be its principal object—science, to that which cannot be taught effectually in College—the learned languages. I by no means intend that these should not, as they do, form a considerable part of Collegiate exercises. But I conceive that the student, passing from school to College, ought to possess such a radical acquaintance with Greek and Latin, as would render his further prosecution of the Classics rather a literary relaxation, than a laborious and ungrateful task. Now, on the contrary, it commonly happens, that he is so occupied with the drudgery of classical preparation throughout his collegiate course, that he has little attention to spare for the sciences; and looks forward with impatience to the termination of his Academic studies, as the period when he shall be released from the irksome necessity of studying at all.

For the defectiveness of our present system of school-education various causes might be assigned: and among them, some general errors in the methods of teaching employed. But I shall confine myself to one cause, which I believe is little noticed; while its existence is certain, and its influence most injurious. I mean the total want of proper books, for teaching the learned languages. I speak not now of the absurdities of the common Grammars and Dictionaries. I speak of the editions of the Classics used in our schools: and I denounce them, with very few exceptions, as scandalous to a country professing literature.

In the first place, they are printed with so much typographical inaccuracy, as to be in many passages unintelligible even to a scholar; while they often present, in almost every page, difficulties utterly insuperable to a

schoolboy

schoolboy. The last edition published in this city of the selection of Lucian's Dialogues, which is read in schools, and the only edition now to be obtained in this country, exhibits in the first Dialogue (containing about one duodecimo page of Greek) no fewer than nine gross errors of the press: and a similar imputation, though not in equal degree, lies against almost every other school-book, printed either in this country or in Great Britain. This indeed is but the natural effect of their being left, as a matter of trade, to illiterate printers. Each subsequent edition retains all the errors of the former; and creates at least an equal number of its own.

I remember once asking an old schoolmaster, how he managed with such copies. "I will tell you," said he, "how we manage. When the poor boy comes to one "of these errors of the press, he spends half an hour "puzzling his brains, and searching his dictionary for a "word, which is no where to be found. When all has "failed, he comes blubbering to me, with a declaration "of his inability to make out the passage: and then I "send him away with—*Pugh, you blockhead! it is an "error of the press; and ought to be so or so.*"—Is it thus, that the time and mental energy of an ingenuous youth ought to be employed? In fact, there are few books, in which typographical accuracy of execution is of so much importance, as in those designed for the use of schools; and there are none, in which it is so much neglected.

But besides this objection to them, most of them are intrinsically unfit for their professed purpose. Among these I must reckon all, in which the notes are written in the language to be learned; instead of being written in that, which is most intelligible to the scholar. I know, that—in saying this—I have to combat with a consider-

able

able force of old prejudice. Many still insist u
usefulness of obliging schoolboys to read Latin
"It familiarizes them with the language: and t
"difficulty, with which they obtain the inform
"the note, imprints the information more dee
Now the fact is, that not one schoolboy in ten th
taking the trouble, to read any length of Latin
tation. But if they did,—and if the notes were
in purer Latinity than they often are,—might
time thus spent be more profitably employed, in
a greater quantity of original Latin writers? Ar
not common sense dictate, that the explanation, c
tration, or remark, which the note is intended to
ought to be made easily accessible, and conveyed
clearest form to the learner? It is quite time
friends of classical learning, to abandon some of
surdities, with which the study of it has been emba

But I have objections as decisive against the
as against the form of the annotations, in most
Classics read in schools. They are defective, and
dant, and grossly erroneous. As to the Latin C
those published *in usum Delphini* are almost excl
employed: and I venture to assert, that the Ed
these—with few exceptions—were fitter to be at
themselves, than to publish books for the use of s
As this assertion may be thought to require proof,
adduce in a note* a few instances of their ign
from *De la Rue's* edition of Virgil,—the first of the
Poets to which the schoolboy is introduced,—and
Crispin's edition of Sallust, the only prose wr
the language, which he is required to read previous
entrance into College. The number of instances it

* See Note B. at the end.

re easy to enlarge, than to exhaust. But I con-
he specimens I have noted are quite sufficient, to
he character of these editions as beneath criticism;
mark also the low state and lamentable neglect of
al learning in a country, where such books con-
o be employed—year after year—for teaching boys
interpret Latin. It is a great mistake to suppose,
ny largeness of pecuniary endowments, allotted to
vancement of literature,—(and they are in this
liberal)—is sufficient for the object; unless their
ation be actively superintended by literary men.
to the Greek Classics read in schools, the charac-
their editions is not quite so contemptible: for it
ned fortunately that *Greek* Classics were not pub-
in usum Delphini. Yet even of these, I know not
ted for the purpose. The selection from Lucian,
ich I have already referred, has the notes indeed in
sh: but the editor possessed no critical acquaintance
he language, has adopted a text the most vicious,
as fallen into perplexities and mistakes the most ridi-
s * ;—while the vulgarity of his attempts at humour
disgust any reader of taste.

HOMER—venerable, wonderful HOMER!—the only
n used is Doctor Clarke's; a man who deserved well
rature. But it is well known, that this is a post-
us work of that editor, left by him incomplete, and
designed by him for the use of schools. This edi-
nas gone through perhaps more than twenty reim-
ons; while it is every time republished with all its
fections and all its errors †: and this, although it
l be just as easy, and just as cheap, to reprint
STI's revision of the work, in which many of these
errors

* See Note C. at the end. † See Note D.

errors are corrected. Many others indeed remain, as must be well known to those, who are acquainted with the invaluable Lexicon of the laborious DAMM, and the edition of the book-making, but literary, HEYNE. And why—let me be allowed to ask—why should mistakes be perpetuated in our schools, which have been for half a century exposed and rectified in the learned world? Do not such facts evince, beyond contradiction, the neglect of classical learning? And does not such neglect account for the general deficiency of progress in it among our youth, notwithstanding the length of time which is devoted to the study?

Nor is this to be remedied, by attempting to make them all *Latin poets*,—to enforce the composition of verses in a dead language. The attempt, though such a favourite one in the sister island, has always appeared to me a ridiculous waste of time. There really are not so many, who can write *poetry* even in their mother tongue;—though all now write *verses*. It is very well, that encouragement should be held out to any, whose taste leads them to cultivate this exercise. But the structure of classic verse, and an accurate acquaintance with quantity, may be attained, as efficiently, with much less trouble.

To promote the great object, a sound and critical interpretation of the Greek and Latin Classics,—completely new editions of them all are wanted; and these, furnished with critical *Indices Græcitatis & Latinitatis* *, in order to

* These are the more needful in the Greek Classics, because at least three fourths of the Students, who enter College, possess no Lexicon but *Schrevelius's*;—a bad Lexicon for Homer and the Greek Testament, but not designed for any other book. Such *indices* also, accompanying the Greek Classics, would more than any thing else facilitate, what is so much wanted,—a new aproved Edition of STEPHANUS's THESAURUS.

the defects of the common lexicons. Never also
y be destitute of that class of annotation, which
ed to form the taste of the youthful student, to
is judgment, and to excite his attention to the
of classic structure, and his admiration of the
f classic composition.

a well-directed and regular application to clas-
es, let the age of boyhood be passed; and in
r pursuits, as are adapted to a boy. And at the
teen,—the very earliest assuredly, at which any
nter the University,—the youth will come to his
studies with a mind so furnished,—with facul-
vigorated and enlarged,—with powers of com-
d discriminating his ideas so exercised,—that
y progress shall be ensured; and multiplied ex-
hall satisfactorily decide the question—*Whether*
tion of science and that of polite literature assist
each other.

C NOTES.

NOTES.

PAGE 22.

(A.) The curious reader may find this absurdity notably exemplified, in the MONTHLY REVIEW for August 1796. pp. 456 and 457. The article is a review of—*An Essay on an Analytical Course of Studies, containing a complete System of Human Knowledge.* By J. B. Florian; A. M.—It announces a new system of general education, which the Reviewers tell us "may deservedly claim the attention of the public, as well adapted to "furnish a regular series of instruction in the principal branches "of natural knowledge, in the room of that NARROW plan of "education which has devoted eight or ten precious years of "early life to the mere acquisition of *dead languages*."

"Mr. Florian," they proceed, "lays down precisely the "business of each year, from the 7th. to the 17th. as follows." —The whole is a choice *morceau*, which will amply repay the trouble of turning to the passage. But the *sciences*, of the 4th. and 7th. years may serve as a specimen to those, who have not the work at hand.

"Fourth year. *Astronomy. Mechanics. Dialing.*

"Seventh year. *Anatomy. Theory of Surgery, of Medicine, and Pharmacy. Pneumatology. Physiognomy.*"——*Augur, schenobates, medicus, magus: omnia novit.*——But Juvenal's Grecian was a fool to Mr. Florian's schoolboy.

Latin

Latin is mentioned, as part of the business in the three *last* rs. But as to Greek——*Græcum est: non legitur.* In place it however, "*Politics & Political Œconomy*" are introduced: an ample ſhare of attention is given to *Music, Dancing*, &c. w which of the good citizens of Bath, (where Mr. F. was ut to open an Academy, for "carrying this plan into ex- tion") would not rather see his boy a fiddling, capering eman, with the combined accompliſhments of a Surgeon, cision, Apothecary, Physiognomist, &c. &c. &c. than cramp genius by the *narrow plan* of studying the *dead languages?* ordingly the Reviewers—(blessed guardians of literature) nclude the Article with observing, "that the undertaking ems to promise *considerable utility* to the public." Who can bt it?

PAGE 30.

B.) Virg. L. 7. Æn. v. 154.—*ramis* velatos *Palladis omnes.* nterpreted—*omnes* coronatos *ramis Minervæ.*

236.—*ne temne, quod* ultro *Præferimus manibus vittas*, &c.— rpreted—*quia* sponte *portamus*, &c.

413.—*et nunc magnum manet Ardea nomen. Sed* fortuna fuit. nterpreted—*Sed* casus ita tulit—with the following critical . *Vel ad superiora refertur*; Fortuna casusque fuit, ut nomen tamdiu remanserit, &c. *Vel ad subsequentia*; Fortuna ca- ue fuit, quod Turnus tum dormiebat, &c.

634.—*alii thoracas ahenos, Aut leves ocreas lento* ducunt ar- o.—Interpreted—*alii* excudunt *loricas æreas, vel politas ocreas uo flexili.* It is well that Ruæus is not an *Irish* name,

et one more instance suffice of this Editor's learning. That age in the 8th. book, v. 408. *cum femina primum, Cui tor colo vitam tennique Minervâ Impositum, cinerem & sopitos*

[illegible] &c. is thus exhibited—[illegible]

—cum femina, primum
Cui tolerare colo vitam tenuique Minervâ,
Impositum cinerem & sopitos suscitat ignes, &c.

[illegible] thus interpreted—*quando mulier, cui præcipuum est tu-*
are vitam colo & reliquâ arte; excitat ignem coopertum & cinere
peraddituin igni.

Now for CRISPUS—

Sall. Bell. Cat. c. 18—*prohibitus erat consulatum petere, quod*
intra legitimos dies profiteri nequiverit. Note—*Profiteri*] *Defen-*
sionem suam & expurgationem, scilicet.

Bell. Jug. c. 4. *At contrà, quis est omnium his moribus, quin*
divitiis & sumptibus, non probitate neque industriâ, cum majoribus
suis contendat?—Interpretrd—*Quis omnium ita vivit?*

c. 5. *Bello Punico secundo, quo duas Carthaginiensium Hasd*
post magnitudinem nominis Romani, *Italiæ opes maxumas*
verat: &c. Note—*Post magnitudinem*] *Id est*, non con
Romanorum gloriam proculcasse.

c. 35. *Huic Sp. Albinus . . . persuadet, quoniam ex stirp*
nisse sit, Jugurtham ob scelera invidiâ [invidia] cr
urgeat; *regnum Numidiæ ab senatu petat.* Note—*Met*
invidiâ & metu. *Arbitror verò intelligendum esse de m*
plebis, ut aliquando etiam contra se ipsa auxurum Jugu
scelera sua convertere.

ECCE ITERUM CRISPINUS—once more, and
Sallust (Bell. Jug. c. 45.) describing the str
cipline, which Metellus restored in the Roman
[illegible] arte *modum statuisse*: upon which we hav
[illegible] Arte] *Eâ opus est omnino, eâq*
[illegible] *sita sit*, vix

[illegible] most commonly [illegible]

Although this be the edition most commonly used, yet it must be confessed that two other editions of Sallust are accessible to boys in this country. One of these however might suit with the Dauphin's: and the other, (by *Mair*) though of a more respectable character, is accompanied with a literal English translation, by the side of the text.

PAGE 31.

(C.) If the classical reader will turn to any of the following passages, he may satisfy himself by reading Mr. Murphy's notes upon them, that I have not under-rated this edition. *Necyomantia.* §. 12. Ἐντυφόμενοι μὲν οὖν ἀρχαὶ.—*Charon.* §. 4. Ὡς ὁ Ἑρμῆς συνήγαγε, &c.—ib. Ἐκ τούτου ἡμῖν ὀλίγα γῆς διαφυλάξαι.—*Dominium Luciani.* §. 6. Ἀλλὰ γὰρ ὁ Ξενοφῶν, &c.—*Concio Deorum.* §. 2. Ἐπὶ τὴν μάχην.—*Timon.* §. 5. Τῷ τι γὰρ Τίμωνι.—ib. §. 9. Μὴ ἀναχάσῃ.

PAGE 31.

(D.) The following are a few Specimens of the errors of interpretation, which occur in the first twelve books of the Iliad.

Il. A. v. 284. Ἀντὰρ ἔγωγε Λίσσομ' Ἀχιλλῆϊ μεθέμεν χόλον. *verum ego* Precabor Achillem *deponere iram.*

B. 99. Ἐρήτυθεν δὲ καθῆμεναι, [κατ' ἕδρας.] *tenebantque sedes.* and again in v. 211.

Δ. v. 472. Ἀνὴρ δ' ἄνδρ' ἐδινεύμαζεν. *virque virum manu occidebat.*

Ε. v. 150. Τοῖς ἐν ἐχομένοις ἦ γέρων ἐκέκαστ' ἐπίεις. *Quibus non, ad bellum proficiscentibus, senex interpretatus est somnia.*

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AND CONDITION OF THE LOWER CLASSES OF THE PEOPLE

IN THE

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&c. &c.

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OF THE

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AND

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A COMMUTATION FOR TITHE,

AND

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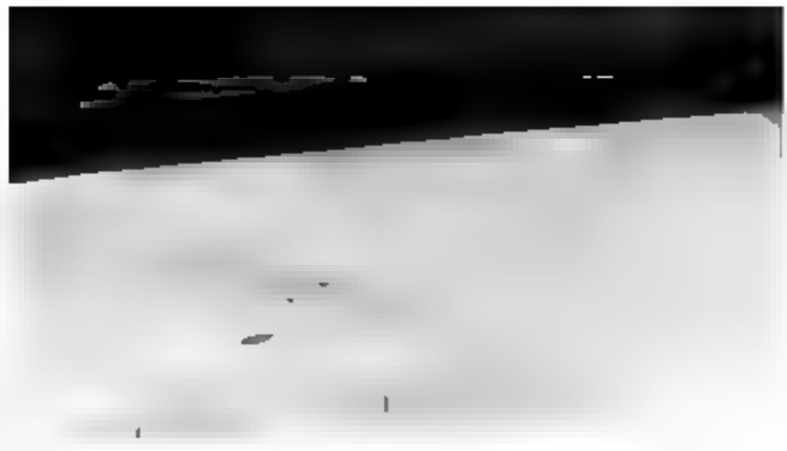

ADDRESS.

WHEN I before submitted to the public some considerations on the state of Agriculture and the condition of the poor in the southern part of Ireland, I endeavoured to trace out the causes which led to them, and to suggest measures by which I trusted they might be improved.

But I wrote, as I then acknowledged, from first impressions. The subject was altogether new to me. Business had just led me to visit the country, and I had not before either means to learn or occasion to inquire much respecting it. I even almost doubted whether the view which I had taken of it, had not made too strong an impression on my mind and mis-led my judgment: I therefore looked eagerly forward to opportunities of reviewing it, anxiously hoping to find the life

of the peasant less wretched—the advances to prosperity less difficult—and the prospect in every point less gloomy than I had at first imagined. These opportunities have occurred. I have again and again seen the country; and sincerely should I rejoice, if, whilst I am about to extend my observations, I could erase, as being drawn stronger than the life, any part of the picture which I have given of the wretched condition of the poor. But far otherwise; at every re-examination the colours which I have used appear faint, and only imperfectly to represent the misery which exists. To dwell on the hapless condition of the peasantry, I am aware may be considered "tedious as a "twice-told tale;" but whilst I am convinced that the African hut possesses comfort and cleanliness beyond what the generality of Inhabitants in the Irish cabin know; I cannot rest satisfied without exercising every opportunity I may have of examining the subject to point out the causes from whence the misery arises.

What real friend to his country can for a moment bear the reflection, that a large proportion of the poor, dwelling in unquestionably the

second island in Europe, and forming so considerable a part of that nation, to which the whole world is now looking up, should fall short of even the few consolations attached to savage life?

Cheerless, however, as the present condition of the country is, and arduous as the undertaking must be from which real good can be expected, it nevertheless appears to me far from being impossible to accomplish it. After a full and I trust impartial consideration of the subject, I am strongly convinced that the want of prosperity and comfort in the inhabitants originates in the causes to which I have before referred, and that it must be by improvement in those through which a happier state of things can be gained.

Under this persuasion, therefore, I presume once more to offer some observations to the public, recurring to those remarks which I before made, and adding such others as a further acquaintance with the subject has occasioned.

In treating of the particulars relating to the state of agriculture, I fear I shall enter into more minute detail than may prove acceptable to some of my readers, but whether I look towards im-

provements in it as the means of bettering the condition of the poor, or as a source from whence some of the greatest national benefits would arise; such a crowd of advantages rush together, and press the importance of it so strongly on my mind, that I cannot rest the cause on mere assertion unattended by some of the arguments which lead me to regard it as a matter demanding the very first consideration both in point of humanity and sound policy.

FURTHER OBSERVATIONS,

&c. &c. &c.

THE great hindrance to the prosperity of the southern part of Ireland, I consider, as before stated, to originate in the imperfection of agriculture; but as I then only mentioned in general terms the causes which I supposed had retarded its improvement, I shall now endeavour to enforce my opinions more fully, by tracing progressively the effects in the manner I consider they are produced.

One of the chief articles for traffic in that country, is "*profit rent.*" It forms an interest distinct from, and in a great measure, at variance

with that of the land-owner. Almost every person seems anxious for a lease of land, not for the purpose of occupying, but of gaining an advantage by re-letting it, and such is the desire to obtain it, that, however extravigant the rent of land, there seldom has been wanting a tenant for it.

From this it would appear at first sight, (and I know it is estimated so,) that the agriculture is rapidly improving, and that in consequence of it and the high price provisions have borne, land is but gaining its intrinsic value. That the late and present high price of provisions has assisted speculations in land, and enabled many to pay a large rent, I have not the least doubt; but it is to the system of leasing, and not to the flourishing state of agriculture, that I attribute the high rate of rent at which land has arrived, and the great rise, as I formerly stated, I consider has produced ruinous effects by having outstepped the advancement of agriculture and the general prosperity of the country.

The usual tenour of the custom is this: the lessee in the first instance agrees to pay down a

fine, and an annual rent for a lease for lives, or on a long term, which the land-owner is induced to grant from two considerations: first, because he receives a sum of money in advance; and, secondly, because he flatters himself he is securing an improvement to the estate, by giving the lessee so long a term in it, and he, therefore, seldom guards it by any restrictive clauses.

The first lessee having thus engaged a quantity of land, re-lets it in several parcels, with a fine and advanced rent on each, thereby obtaining a present profit, together with an income without labour. Those who have taken this leasehold interest in it, see, that by splitting their parcels into more, they can find others to give them terms, by which they may also gain the like kind of advantage; and it commonly passes to at least a third set of dealers, and frequently many more, before it reaches the hands of the cultivators.

When thus broken down into small fragments, occupiers enough are ready to take it; for those who have little or nothing to lose, are generally willing to try their luck at gain. They are, however, in fact, driven to it; for, in consequence of

the holdings being so small, few or none of those who occupy can afford to pay for assistance in cultivating them; there consequently is scarcely any employment for hired labourers, and the business of serving others so nearly of a rank with themselves, becomes profitless and degrading.

Both pride and necessity, therefore, urge all to obtain land, however small the prospect of gaining by it; and thus arises the high price of rent. The nominal rate of it, however, is not the only advance which has taken place on the land, as it has generally been let in the first instance by the Irish acre, but some one of the lessees rarely fails to gain an advantage by reducing the measure to the English statute acre.

As the larger farms are wholly without any suitable buildings, it cannot be supposed that when divided into these small fractions, each contains even a residence. Those who cultivate them are mostly tenants at will, and it is in general made a condition with them by the preceding lessees, that on taking possession they should build one, the better to enable them to relet it in case these occupiers should fail.

If, however, it is not specially agreed for, the person who takes the land for the purpose of using it, is under the necessity of having a dwelling, and he knows that to have one, he must build it himself.

The great scarcity of timber, the nature of his tenure, and his scanty means, all concur in rendering it impossible for him to make it a comfortable habitation; but as a mixture of mud and short straw for the walls, some better straw, though not unfrequently only potatoe halm or grass sods for the thatch, with a few poles or boughs for the roof, and sufficient boards for the door, are all the materials required for those in general use, he does not hesitate to set about and soon completes a cabin. This cabin, when finished, must serve not only for his family to live in, but for every other purpose of farm buildings. I have, however, on a former occasion, so fully described the wretched state of these hovels, that I need not here repeat it. Having thus taken a small portion of land at a high rent, without any means of using it to the best advantage, since he has neither skill to direct him, nor capital to pro-

vide proper implements and assistance, and destitute of any buildings suited to the corn crop, he can only cultivate that in a very imperfect manner. He seldom accomplishes more than one plowing as a preparation for each crop of grain; the produce is consequently small, and, from all the disadvantages it has to struggle with, of indifferent quality.

The culture and preservation of potatoes he can better compass, as for the most part it is performed in that country by manual labour alone with the shovel and spade *; though each of these

* The shovel is of the kind common in Devonshire, having a plain handle without any eye or cross bar, and as long as a full-sized pitch-fork; the blade of a rounded point at the bottom The spade has the same kind of handle, with a blade only about half the width of those used in England, a mere wedge of iron. With the latter of these the preparation of the ground, as well as the planting of the seed, is performed, and with it the crop is afterwards taken up.

The shovel is used for moving the manure, and earthing up the plants, which is done by throwing it from alleys between long narrow beds, in the manner practised in gardens for asparagus. These tools in the hands of any but persons

plements in use are of a very awkward kind, d ill suited to the despatch of work; neither is in his power to provide many labourers to forard the business even in this way; the planting thus protracted till very late. It usually conues not only throughout the months of April, it May, and great part of June. In the most vourable seasons much produce cannot be excted from land planted so late; and therefore

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customed to them from childhood are almost useless. The ngth of handle certainly gives great power to break up the round when it is once inserted into it, but the weight afrwards becomes proportionably increased on the hands, id renders it necessary for the knee to be placed in each peration as a rest. As the body is kept erect in working ith them, those habituated to them cannot afterwards end to use shorter spades without great pain.

With these implements the entire of the potatoes even in rge fields, in the south of Ireland, is cultivated; except hat in some cases a plowing is given before planting. Exert as Irishmen are with these tools, they expend, from rst to last, equal to eighty days' work of one man on an cre of potatoes with them.

The difference of expense and time lost between this and oeing with a single horse is obvious.

even in this his favourite crop, on which he has expended the greatest portion of labour, and all the manure he has been able to collect, he frequently meets with disappointment. If he is possessed of any meadow land, from which hay is to be made, the process is conducted in the worst way possible*.

After cultivating these different crops in this imperfect manner, he has next to convert them into money for rent and other purposes. As the corn will soonest become marketable, it is quickly threshed out, and sold in small quantities, perhaps a bag at a time; but the produce not being great, and that of an inferior quality, as before stated, it yields but little amount in

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* From an idea that grass cannot be made into hay in that country before it has attained an extraordinary degree of ripeness, the cutting of it does not commence till it has arrived much beyond the proper state, and from the occupiers of land being in general not able to afford sufficient help to execute it, and the mowing being paid for by the day instead of the acre, some weeks, nay, even in many cases months, pass before they have completed it. During this time the weeds mature, shed their seeds, and in the end gain possession of the ground.

money compared with the extent of land upon which it has grown; particularly as from being sold in such small parcels, it must be disposed of to merchants to re-sell, whose general custom of fixing for a time one price on each kind of grain, without sufficient distinction being paid to the quality, as well as of buying it by weight, holds out but little encouragement for its being kept dry or clean.

His next resource is from butter, if he has any cows; and his last, as potatoes are not of ready sale, from being so generally cultivated, is by feeding hogs with the surplus of them beyond those required for the subsistence of his family, thus converting that crop into a marketable produce in the manner I formerly described, as tending so materially to deprive him of the comfort of a cleanly home.

After subsisting on no other food than potatoes and sour milk during the season it lasts, (for the hogs he has fattened are invariably sold,) and converting all the produce he can into money, he is perhaps able, in a good year, to pay his rent and go on; but if a bad season occurs he is in ar-

rears. He has no fund to carry him through till better times; and, as in all probability the lease from whom he holds cannot do without his rent, his little stock must be taken to discharge it, and the land in the end given up.

Left even without the resource of supporting himself by manual labour, in consequence of the scarcity of employment, disappointed in his expectations, and angry at those with whom he has been concerned, he either sits down in despair, or has recourse to acts of violence.

Thus then, the land having been disposed of in the manner I have described, remains in the hands of men without capital and skill, or the possibility of gaining either. Skill they cannot attain without some examples to copy from, for theory will go but little way in such cases; they have neither the means to attempt, nor dare they risk the slow course of improvement by experiment; and the limits of their farms (if farms they can be called) would not at any rate permit them to proceed in a regular, systematic course of husbandry. Capital it is wholly impossible for them to acquire, since they cultivate the land

under so great disadvantages. If, by using their utmost endeavours to gain the end they have in view, they can but just accomplish it in prosperous seasons, no surplus profit can remain on the average to form a capital: neither can any real benefit arise under such circumstances towards the improved condition of the land itself. In the general scramble for interests in it, the true ones are, in fact, destroyed. In this state of things timber cannot, at least will not, be reared for the future purposes of erecting suitable buildings, or the other uses for which it is required on the farms. The land becomes more and more out of condition, not only from the cultivators in whose hands it is being unable to give it sufficient tillage, but had they means they are even deterred from keeping it in a state of tolerable cleanliness, lest those who have a prior interest in it should take advantage of its improved state, and either demand of them, or obtain from others, a higher rent. It is therefore common (nay any thing else is uncommon) to see land of the best quality, whether arable or grazing, over-run with coarse weeds.

Even the last class of lessees, who, in fact, stand in the situation of landlords to the cultivators, are in some measure concerned to have it remain in that state, so that they can just obtain their rent; for since their terms are the shortest, the more slovenly the appearance of the land, the greater is the chance of obtaining it again at their own price, and they are bound by no conditions for its being kept in a different state, as the landowner has in the first instance, let it without such restrictions. In this medley of property, the good faith between landlord and tenant, which would form the basis, the very essence of improvement and mutual advantage, is broken down, with no plan for securing the interests of the estate by restrictive conditions (poor as such a substitute is) reared in its stead. Thus then, whilst agriculture was in its infancy, and had taken only a rude and unshapen form, a system arose by slow degrees which has gone on enlarging, and proved more baneful and destructive to its progress than any which human ingenuity could have devised for the purpose of retarding it.

I will now proceed to the reconsideration of the necessary objects for improvement, and how assistance can best be given to remedy the evils attending the present state of agriculture, and also endeavour to meet such objections as I have known made, as well as any that have occurred in my mind as to the possibility of carrying into effect the means by which I before proposed to accomplish it.

I then stated (Brief Inquiry, page 49), that a better system of leasing the land must form the basis for an improved state of agriculture to rest on, and that it was therefore necessary that land-owners, as their leases fell in, should not suffer new ones to be granted of such a tenure as to allow intermediate interests to exist between themselves and the cultivators of the land. On this head, however, I wish more fully to explain my meaning. I consider, that a clause, which is creeping into modern leases in England, to restrain a tenant from disposing of his term, and, in the event of his discontinuing to occupy, making it revert to the landlord, if not a complete bar, is at least a very great hindrance to improve-

ment. It is true that this clause is in general qualified with the conditions, that the tenant's interest shall go by descent to his family, or that he may part with it on obtaining the land-owner's consent.

Many things, however, may occur to prevent the former circumstance from taking place; and the latter condition though plausible, and generally accompanied by an assurance, that such consent will be given, does not afford any real confidence. For how can it be supposed, that the generality of landlords would assent, after improvements had taken place, to a tenant's disposing of that interest which might revert to themselves, if they persevered in refusing to do so? At any rate a prudent man should not risk it. This, therefore, is far from the course I recommend to be pursued. The plan which I consider best calculated to answer the purposes of both landlord and tenant, is, that a lease for not too short a time should be granted, containing clauses providing for the interests of the estate, encouraging the planting, growth, and preservation of timber and hedges, marking out a general

plan for the course of husbandry, but not so rigidly minute as to give the tenant no possibility of varying from it in some instances; restraining him from re-letting, but giving him power to dispose of the lease at any time, so that he reserved no profit-rent on the land, and remained responsible for the payment of rent and performance of the covenants entered into. Under an engagement of this kind, every thing may go on satisfactorily to each party.

With regard to the distinction which I make between re-letting and disposing of a lease, I must observe, that in the former case, all the evil effects which I have been enumerating may, and probably will, arise; but in the latter, if conducted according to the above regulations, I am not aware how they can.

The estate may be most materially injured to the land-owner, and the tenant ruined, as I have shewn, by a system of re-letting; but from the latter having an absolute power to dispose of his lease without the consent of the landlord, he feels independent, and goes on to improve with spirit, knowing that if at any time he should wish to

quit the pursuit, he has a reasonable chance of obtaining a fair price for what real advantages have arisen by his means to the estate. The landowner ultimately gains the advantage of it himself, and during the lease has, or should have, security upon the property of every person through whose hands the lease passes, for the performance of the covenants contained in it, in the same manner that the holder of a bill of exchange has according to the number of names indorsed upon it; and he has further an assurance, that the person to whom he lets it will not, for his own security, dispose of it to one without property. I am aware, however, it is taken as a point in law, that if a lessee parts with his lease to a person of property, who again assigns it to another not possessed of a shilling, the second lessee in a great measure escapes from responsibility; or, at any rate, that the remedy of the first against him must be slow and tedious, and perhaps imperfect; but if the law is incomplete in this respect, let it be altered. I before further mentioned (Brief Inquiry, page 49), that since it must be the work of time to bring about such

regulations as the foregoing, it was necessary to pursue other means whilst these were accomplishing; such as planting and preserving live hedges and hedge-row timber, and adopting a course of husbandry in which turnips and cultivated grasses formed a part, together with the use of the sheep-fold: recommending, as far as related to timber, that principally oak should be planted in hedge-rows, as being the most valuable, and the least injurious to the growing crops; and, for the sake of an early supply of small wood, that a willow should be planted in all situations not too dry for it, between each two timber trees, and kept as a pollard, and that as soon as the trunk became of a tolerable size it might be taken down, when it would be extremely useful for many purposes.

In addition to the observations I then made respecting the cultivation of timber, I must now remark, that I find upon close inspection the soil in general in the south of Ireland to be very favourable to the growth of timber of every kind, and that invaluable plant for hedges—the white thorn. They need only to be planted and preserved to secure success.

The ash, however, in particular, aided, I suppose, by the moisture of the climate, is luxuriant in the highest degree. This tree therefore is an object of the first importance; for, independent of its utility for implements of husbandry, it might also be applied to the erection of buildings. I admit it is less desirable for that use than some other kinds of timber, from being subject to be worm-eaten, but lime washing or paint in a great measure prevents this. It would at any rate serve for that purpose till other timber, better suited, arrived at sufficient size. I would, however, by no means recommend the custom of planting ash in hedge-rows, as it is so great an enemy to whatever grows near it. Not only its drip is injurious to other plants, but it exhausts the moisture of the earth in a greater degree perhaps than any other tree; and as it puts out roots nearer the surface, it starves every thing within the reach of them. The drip from the oak, on the contrary, is by no means unfriendly to its neighbouring plants, and it finds food beyond their reach, by sending down roots to a great depth. The white thorn will not

only grow under the shade of the oak, but flourish close to its trunk, while it pines and becomes useless near the ash.

Ash should therefore only be planted as groves in glens and other waste places. By this means it would be drawn up tall and straight, and make good common rafters without much expense of sawing; but if grown in hedge-rows, it would be less suited to this purpose. Moreover, from the soil and climate being so favourable to it, and as its seeds so readily disperse and grow, I am convinced, that if it was much encouraged in hedges in Ireland, it would become a perfect weed to them.

Situations like those which I have named for planting it abound there, and if the very wettest of them were applied to the growth of the willow, and those moderately so to that of the ash, and the plantations thinned by cutting down some of the plants as soon as they became useful, the stools would throw up sprouts, and a supply of small timber and lesser wood would thus soon be reared for early use, whilst the oak and other timber was attaining its growth elsewhere. As trees of

the fir kind have had so great a preference given them in modern planting, I think it necessary to observe, that they are in many respects very improper to be grown on a farm, and in my estimation they never ought to have a place on it, unless when required for ornament. For hedge-rows they are wholly unfit; the proper situations for them are poor wastes, and many of these, which would yield no other crop, would produce a valuable one of fir timber; not, however, by a few detached plantations being made, for they rarely succeed in such cases; but if a very large extent of land be planted at one time, the plants afford shelter to each other, and are able altogether to encounter even a bleak situation.

If each species of timber were assigned to its proper situation, the growing of it would prove no detriment to cultivated land; an injudicious arrangement, however, must bring the practice of planting it thereon into disrepute.

When oak trees are trained with stems free from drooping branches to the height of fifteen or twenty feet from the ground (which may be done without injury by cutting them off close to

the trunk and rounding the edges so that the bark will readily grow over the wound), a few of them scattered in the hedges on an arable farm will do no injury to the crops under them. On grazing land a greater number may be grown, and will afford shelter both to the cattle and herbage. Timber reared in such situations is the very best for ship-building, from being the strongest, and affording the greatest number of knees and crooks. An immense quantity may be produced in a country by this means, and the neglect of any being so grown is a national misfortune, operating to an incalculable extent. The supposition, that farms should be wholly without timber, because an excess of it in some cases has proved prejudicial to the growing crops, appears as extravagant as the idea, that sheep without wool would produce the best mutton, and be altogether the most profitable. I deem it necessary to enlarge so much on this head, in consequence of seeing the great difficulties which occur from the want of timber. Such is the general scarcity of it in the south of Ireland, that not only the farms are without suitable buildings, and

the peasant without a comfortable cottage, but, in most districts, even the fields are entirely without gates. As a substitute, large stones are piled up where gates should be, which are taken down and replaced from time to time as occasion requires. In the neighbourhood of sea ports, what field gates there are, are made of foreign fir!

Since, in the present state of things, so many causes operate to hinder improvement in respect to timber, I endeavoured, in my former publication, to suggest a mode of encouraging the planting and preservation of young trees by each new lease containing a condition on the part of the land-owners to pay, at the expiration of the lease, a fair price for every tree which had been planted by the tenant, and was well preserved.

In such cases as it can be accomplished, the price to be paid should be arranged in the first instance, rather than be left to after-valuation; and as a general plan is desirable, it appears to me that the best mode would be to fix a separate rate for the different kinds of timber tree, each class increasing in price according to the number of years they had been planted, provided the

planting was done in a proper manner, and the trees were well preserved. Either the landlord or tenant might furnish the plants in the first instance, according to the circumstances of individuals.

These means, I think, would have far better effect than merely binding down a tenant to perform covenants of the kind without a remuneration. I likewise before pointed out that it would be possible to accomplish, by agreement, an arrangement for rearing trees, even on such land as is still on lease for a long term, notwithstanding it were held under the present ruinous system of leasing, which I have formerly described as being so destructive to timber. In this case the owner of the soil might agree to provide the plants, and to pay the tenant in possession a price for planting and preserving them. I am aware of some difficulties attending an arrangement of this kind, in consequence of the different interests of the intermediate lessees, but which I consider might be removed, as I shall presently shew.

To the first proposition I made of this kind, it has been answered, that there already exists an Act

of the Irish parliament for encouraging the cultivation of timber, by rendering it the property of the tenant who plants it. This, I grant, may promote the rearing of saplings, though it will never, I fear, prove the cause of producing much large timber, but, on the contrary, rather tend to prevent it.

Few leases are of sufficient length to admit of timber arriving at any degree of maturity, even if it is planted in the very earliest part of them; and at the expiration of his lease, should the tenant not agree for a further term, the timber which he has planted, in consequence of this Act, will doubtless be cut down in its infancy, since the high price it bears holds out encouragement for him to do so rather than make it over to the landlord, whom, under such circumstances, he probably feels little disposed to accommodate. But if, on the other hand, the two parties were at first bound by special conditions, as I have proposed, that the one must allow and the other receive the price agreed for, they would then be in every respect in a better situation towards each

other, and more likely to come to terms for a renewed lease.

The difficulty, however, to which I have just before alluded, as being likely to interrupt the planting and preserving of timber on land still under lease, is that which I think would be produced by the very Act of parliament referred to, for this Act has in fact altered that natural right by which all timber is the property of the landlord; therefore, however well disposed the tenant in possession might be to make an arrangement for planting and preserving it, yet in leases of this kind some of the intermediate lessees, whose terms are longer, might interrupt the plan, as the timber left growing at the expiration of the first term would, in that case, become the property of the other lessees. If, therefore, the cultivation of it is to be encouraged by Act of parliament, it appears to me that it can only be done with good effect by an amended one. As timber is a crop which requires so many years to bring it to perfection, I consider the property in it should, for the general good, be vested in the lord of the

soil alone, as it may then, unless its owner's circumstances drive him to destroy it sooner, outlive several short leases even though the same tenants do not continue.

Some timber, however, having been planted on the faith of this act, it would be unjust to destroy the kind of property which the planter has thereby acquired; but an amended act might provide, that from the passing thereof the tenants who planted without a special agreement should have a conditional property in the timber, viz. not to have the power of cutting down for sale at the expiration of their terms, if the landlords would agree to purchase their interest in it at a fair valuation; and it might also without injustice enable the land-owner and tenant to come to an arrangement for cultivating a certain proportion of trees to a given number of acres, without interruption from the other lessees. The same provisions might be made in it for planting and preserving live hedges.

I shall now proceed to offer some further considerations respecting the introduction of such a

system of agriculture as I have been hitherto recommending.

I before mentioned, that the desirable objects seemed to be the adoption of a course of husbandry, in which turnips, cultivated grasses, and the sheep-fold should form a part, that the soil as well as climate was admirably adapted to it; and that on the whole there were few countries where oxen might be more advantageously worked; and I afterwards enumerated several advantages, both local and general, which I considered would arise from this practice.

In these opinions I rest strongly confirmed, after a more ample opportunity of observing the country and present produce of it.

Some of the arable land in the south of Ireland, is certainly too strong for turnip husbandry, but the soil is for the most part a light loam, much of it resting on a limestone subsoil, and but little is too light for wheat. No land therefore can be better suited to the growth of grain in general, and such other vegetables as are adapted to the support of a large proportion of live stock, which will best assist

the regular succession of crops, and by which means the land may be brought to yield the greatest produce.

The calcareous soils on the limestone, which so much abound, are highly favourable to cultivated grasses, such as clover, rye-grass, lucern, and saint foin; and yet, except in some few small districts in counties near the capital, even the cultivation of clover is not yet introduced.

This kind of land is also equally well adapted to the growth of fine wool; for notwithstanding a modern opinion that the wool of sheep folded on calcareous soils becomes brittle, I am firmly convinced that they are by far the soundest sheep pastures, and altogether best suited to produce fine wool. If any evidence is necessary to prove it, the quality of the wool grown on the south downs in Sussex is I think sufficient.

It would be impossible, in the first instance, to procure sufficient wood for hurdles for folding sheep, or feeding off turnips in the south of Ireland; but sheep netting might be substituted, or the turnips might be drawn and thrown on an adjoining field as practised in Norfolk.

Among the advantages enumerated in my former treatise as likely to arise from this proposed system of husbandry, I mentioned that of a greater quantity of beef being produced; and that the pork, by becoming corn-fed, would be of a very superior quality.

On this point I feel it necessary to insist strongly that these two kinds of provision are among the first staple articles of trade in Ireland, from the export of which large returns are expected, and indeed do arise; and they are considered to be produced there of the best quality. The former of them is deservedly held in estimation, but the latter of them, in my opinion, very undeservedly. The prime Irish beef is certainly of excellent quality, and makes the best sea provisions; but it is to be lamented that a single tierce of the pork, fed as it now is, should ever find its way into the navy, or any ship intended for a long voyage.

Let it not be supposed, that I offer these observations with a view inimical to the interests of Ireland; far from it: I only wish to

see that commodity become a real and lasting source of advantage, which is at present produced in a manner that brings a nuisance on the country, and is itself unfit for the purpose for which it is designed.

Neither do I lightly take up these objections to the present quality of this kind of provision, for since I first ventured to state my opinion of the Irish pork, I have had ample means of viewing every thing relating to it until it is exported, and have lost no opportunity of ascertaining from those who consume, and therefore can best judge of it, and they invariably bear testimony to what I asserted, namely, that in its very best state it is not half so profitable or nutritious as corn fed pork, that it loses much of its substance in boiling, and that when carried into a hot climate it wastes, and becomes poor indeed.

Having, in my former publication, given a general idea of other advantages likely to result from such a system of husbandry as I have now again been speaking of, and as, I trust, they will further appear throughout the course of this

work, I shall not dwell on them in this place, but pass on to reconsider the means of accomplishing it.

I formerly proposed effecting this purpose by the example of a few practical husbandmen, sent from England, to whom a bounty and other advantages should be given, in order to induce them to settle there. Before I notice some objections which have been made to this plan, I must mention a difficulty greater than any I have heard, which indeed all along in some degree occurred to my mind, but the evil, I trusted, was less deeply rooted, and more easily removed than I afterwards found it to be; I mean that which arises from the holdings being so small.

However reluctant I may have been to state, in express terms, what I am now about to do, yet the whole tenour of my former as well as present observations has pointed to the pernicious consequences brought on individuals and the community by it.

The very name of small farms carries with it such a popular sound, and the public is so strongly possessed with the opinion that the high

price of provisions, and other evils, have been produced, by laying field to field, and farm to farm, that any idea of bringing it about, will, I know, at first sight, be considered as tending to produce injury rather than benefit: nor, indeed, would I wish to see any alteration attempted, could I for a moment bring myself to believe that the comfort, good order, and prosperity of the country would be interrupted by it; nay, if I was not most firmly persuaded of the contrary; and that without it Ireland can neither produce the abundance it is capable of, nor possess a happy and well conditioned peasantry, a thriving tenantry, and an opulent yeomanry, to unite the lower to the higher classes, and form that regular chain which, link by link, binds society together. But I will proceed to examine the subject.

It is generally declared, that small farms promote industry, and train up better female servants, and more useful members to the community, than larger ones; that by the family labouring themselves without hired workmen, the work is performed at a cheaper rate, and better

attended to; that by a great abundance of poultry being reared on them, and the general produce being from necessity carried sooner to market, and by the frugal diet and simple habits of the occupiers, the price of provisions was kept low to the public; but that in consequence of the enlargement of farms, and the opulence of farmers, who live comparatively in luxury and idleness, the contrary effects, it is said, have been produced.

However unpopular the declaration may be, I must say, that unless when the land is let much below the average rent of the district, distress frequently accompanies, even in England, very small farms; and I have rarely seen an instance of one being brought to yield nearly as much as the land was capable of; and consequently in every such case a loss of produce and profit was incurred. In Ireland this assertion appears most strongly verified.

We have there seen farms reduced to the smallest possible size; the tenants destitute of every comfort; and the land starving for want of sufficient culture. Poultry, it is true, is reared in great abundance, and sold at a very

ow rate; but without producing, from a cause I shall hereafter state, any essential diminution in the price of general food.

The corn is thrashed out and carried to market as rapidly as possible; the people are frugal, and live on the most simple diet that human beings can subsist upon; and yet with all these boasted advantages, carried to the very highest pitch, none of the promised blessings arise: for how, indeed, can they, since the means from which they are expected are the cause of preventing it; for the farms are too small to admit of the land being cultivated to the best advantage, and neither afford the means of capital being acquired, nor admit the possibility of any being profitably employed on them. If the occupiers bought with it sufficient horses for a team, or sheep for a fold, these would require more than the whole produce of the farms to sustain them, and during the greatest part of the year must remain unemployed. For example; suppose an hundred acres of land required for

[illegible] number of oxen, to till it, a

ing one horse would answer no good purpose, and if he had only a proportionate number of sheep, they would require as much attendance as the flock of the larger farm. So it would be with respect to barns, implements, and every thing which relates to a farm.

If these small farmers could hire sufficient workmen at only the particular seasons when the tillage was required and attempted to perform it by manual labour, were there no other obstacle to such a plan, the expense of it would ruin them.

They, therefore, go drudging on from one employment to another without any head to direct them; idle at one time for want of a sufficient round of employment, and toiling at another without being able to perform their work in due season. "With all their thrift they thrive not."

But if farms were of sufficient size to maintain and employ a due proportion of live stock and a regular set of labourers, a proper division of labour (which forms the true œconomy of it) would take place, and a much greater produce and profit would ensue. The occupier would provide payment for those employed on his farm, and

they on their parts would have nothing to do but follow the several occupations assigned them. He himself would not be idle, but engaged in planning the best means of carrying on the business, buying what was necessary to the greatest advantage, and disposing of the produce, which would enable him on the whole to provide for payment of the rent. Not only, however, can the general œconomy of cultivation be better carried forward on a large, than a very small farm, but also the price of provisions be afforded cheaper by the former than the latter means, as I shall now endeavour to shew.

With respect to the opinion that provisions are kept at a lower rate by means of small than large farms, I have already had occasion to point out, that notwithstanding the produce of such farms, from the necessity of the occupants, is taken quickly to market, and, therefore, may cause a reduction in the price for a time, yet it will on the average find its real value, which must be in proportion as the quantity grown is to the demand. Larger farmers may keep back their corn for a time, and smaller ones may dispose of their's

quickly, but if the latter supply the market faster than the consumption requires, it must then pass into the hands of corn dealers. These latter may, as well as the large farmers, advance the price for a short time, but if the general produce is greater than the demand, the price will only fall so much the lower for the commodity having been kept back.

Neither can I admit that a great number of poultry being reared on small farms tends to reduce the price of provisions in general, unless a given extent of land can be brought to yield a larger amount in poultry than in other meat or corn. The argument that fowls are profitable, as they eat what would otherwise be lost, proves nothing more in favour of small than large farms, for the unavoidable waste incurred should only be supposed to be in the same proportion on the former as the latter.

I allow that poultry reared on potatoes, as in Ireland, are produced at a small expense, but the value of them for food is equally small, as they are consequently poor, and afford but little nourishment.

It is, however, further asserted in favour of small farms, that from the tenants of them working themselves, and in consequence of their moderate way of living, they can afford to sell at a lower price than a cultivator who performs no labour himself, and lives, as it is said, in idleness and luxury; but it must on the other hand be acknowledged, that the occupiers of several small farms collectively lose as much time in passing from one employment to another, and going* to market with their little produce, as one who per-

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* I mention, as one example, the circumstance of the small farmers in the most remote parts of the counties of Cork and Kerry travelling day and night to Cork market, a distance equal to fifty or sixty British miles, and returning with the same expedition, after having conveyed thither only a single firkin of butter, and sometimes a less quantity.

In many instances, money, equal to the amount, has been previously advanced to them by the butter-merchant to whom they take this small produce, and then obtain a further advance.

Were their necessities less urgent, and a regular common conveyance established, one man with a waggon and four horses, would take weekly the produce of as much land as an hundred men and as many horses are thus employed in *carrying*.

forms no labour himself but overlooks a large concern; and as it is out of the power of the small farmers to bring the land to yield as great an amount as the large farmers, the difference of produce which the latter gain over the former, much more than counterbalances to the community for their higher way of living. Hence it appears, that the opinions urged in favour of small farms are not founded in facts. I am not, however, contending, that all farms should be very large; but I do insist that no arable farm of less than an hundred acres can be carried on so beneficially to the cultivator and the public as one of that size can; that a farm of two hundred acres is still more advantageous to both, and that a mixture of some of a much greater extent is by no means injurious, but that, on the contrary, they have been the means of producing the greatest improvements in agriculture in Great Britain. Neither do I contend for the necessity of farmers living in luxury and extravagance. This, perhaps, is the prevailing evil of the present age, which the increase of riches, real or imaginary, has produced.

What I am arguing, to prove is, that the person cultivating a large tract of land, is able, from the advantages he possesses, to make it yield a much greater quantity of human food than could be produced on the same extent of ground were it divided into several very small farms, as the occupiers of them can only act on a confined system.

I say then, that the large farmer, instead of incurring a charge on the price of provisions, is the cause of their being produced at the cheapest rate, and therefore is not an idle and useless, but a profitable member of the community.

These observations, respecting the size of farms, apply more fully to arable than grass farms, but yet, even on the latter, some degree of labour is lost by the same attendance being bestowed on a little, which would serve for much more. There is also another disadvantage attached to them: viz. that they do not afford sufficient opportunity of changing the stock to different pastures, which would both improve their condition and tend to keep them in health; so that

if any disease happens, it frequently affects the whole.

I must also remark, that although pasture land lies, as it were, dormant, and consequently requires so much less labour, yet the produce from it is much more than proportionably smaller than from land kept in an active state of aration, which must therefore be of the most public benefit.

I by no means assert, that all land should be under the operation of the plough. A due proportion of good rich meadows is of great assistance to the general plan of agriculture, but I am of opinion, that no land except of that kind should be kept in a constant state of grass.

From the foregoing observations it appears, that very small farms are neither productive of those advantages to the individuals who cultivate them, nor tend to reduce the price of provisions in the manner they are supposed to do: but there remains yet another objection, made in their favour, for me to answer, and that by no means an unimportant one; namely, that they promote industry and frugality in a greater degree, and

rain up better female servants, and other more useful members to the community than larger farms.

That many, very many, frugal and industrious servants, as well as good and useful members of society, have been trained up on small farms, I entirely acquiesce in; but such have been produced by other means, and also on large farms; and I cannot but think that the first habits of early industry and frugality can be, and are as often acquired in the cleanly and happy cottage of the thriving labourer, and afterwards enlarged and fitted for general practice in the domestic concerns of a frugal housewife on a large farm, as by any means whatever.

But alas! however these rudiments are first taught, how soon do their good effects vanish when those who have been instructed in them have opportunities of seeing the customs of higher ranks by being taken into their service, or in any way mixing with them.

If then a general corruption is unhappily foun

[illegible] to pervade all ranks in Gre

Britain, from the mansion to the cottage, let not the cause of it be attributed to the diminution of the number of small farms, or pleaded as an example to prove the necessity of them, for it was not the servants taken from large farms who first tainted the morals of the higher classes, but the latter, I fear, sent back a lesson which has poisoned the virtue of even the small farm and cottage itself.

Having enlarged so much on the unprofitable effects of small farms, and I trust satisfactorily proved, that the advantages they are said to possess are rather imaginary than real, I shall now proceed to consider what remedy can best be applied to the existing circumstances, to correct the evils attending them. The task, I confess, is arduous, but I think far from impossible.

Since the occupiers of these small holdings cannot be supposed to consider them as unprofitable to their individual interests, and knowing themselves unable to accomplish greater undertakings, they must naturally feel attachment to what they are at present possessed of.

It would, therefore, be more prudent as well as

much more likely to produce the desired, end to accommodate the remedy to the present custom, rather than attempt an entire alteration.

Indeed it would be both unjust and cruel to say to one man, you shall give up your little farm to your neighbour who has one also, and become his labourer; or, to both, your farms must be taken from you and let to a stranger, because he is richer than yourselves, and it would be more advantageous to the community that the land should be so disposed of. But with strict justice and a fair chance of their being brought to consider it so, it might be said to any two or greater number of the occupiers of adjoining small farms—the course of husbandry which you are carrying on, is by no means calculated to gain that produce from the land which it is capable of yielding, neither is it possible for you separately, and with your slender capital and small plots of ground, to provide and sustain the means of cultivating the land in the most beneficial manner for yourselves; but join your strength altogether, so that the whole may be conducted as one large farm, and either divide the profits, or make an arrangement

amongst yourselves, for the stock of the whole being so employed, that each one's ground may alternately partake of the benefit of your combined means, that there may be sufficient plough teams, and a flock of sheep, and the whole be conducted under a regular course of husbandry, and be assured, you will find your separate gains greater than at present.

Whoever, therefore, whether he be land-owner or lessee, has the controul over one or two hundred acres, has power to aid such a plan.

By this means, also, agreements might be brought about (at any rate in all new leases) stipulating a given system of husbandry. One barn and set of farm buildings, when they could be erected, would thus serve for several holdings. It might also be made a condition, that if any one or more of the party ceased to occupy, no stranger should be appointed to succeed, but that it should be equally divided among those who remained, and this would hold out a fair chance of advantage to every one of them.

Some, either from superior management, greater œconomy, or fortuitous circumstances,

would be more prosperous than others, those less so would then become labourers to them, and thus, without doing an act of injustice, by wresting from any one what he is in possession of, a state of interests would ultimately arise, tending more to promote the real good of individuals and the public.

Having now endeavoured to clear the way for an improved system of husbandry, by pointing out such a remedy for the disadvantageous effects of small farms, as I trust is fully practicable, and unlikely either to injure or produce discontent amongst the present occupiers of them; I come next to consider, by what means these persons can be most readily taught it; and this I am persuaded would be soonest accomplished by the example of a few practical farmers sent from England to reside among them.

What I before proposed (Brief Inquiry, page 54) was, that a beneficial lease of an hundred acres, which I consider the very smallest quantity of land on which a regular course of husbandry can possibly be carried on to advantage, should be granted by land-owners to them, so that one

might be induced to settle in a given district; and as a further, and indeed a necessary inducement (for men of property could not be expected under the present circumstances to leave their friends and country for such a purpose) that the state should give a moderate bounty to each, under certain regulations, which I named, to enable them to carry on the farm. Part of this money I proposed, should be laid out in proper implements, and seeds to be taken with them; and as fine wooled sheep would prove, in that country, as I shall hereafter show, a great national benefit, and the native stock are so bad, it would be desirable for each person to take with him a few of a good kind.

With such encouragement, a sufficient number of practical good husbandmen, who are now only a superior kind of labourers, would be ready to engage in the undertaking.

I was aware of an objection which would be made to this plan; namely, that the native inhabitants would regard these strangers with no favourable eye, but I endeavoured to remove it by saying, that it would be necessary, in the first

instance, to explain that only a few persons would be sent over for the express purpose of shewing the inhabitants by their practice, a more advantageous manner of cultivating their land than they at present follow; and that if this was properly made known to them, and some of the seeds and sheep produced on the farms of these settlers were to be distributed gratuitously amongst such of the native tenants as were disposed to follow the new plan of husbandry, I was persuaded all difficulties would soon be done away.

This objection, which I anticipated, has, indeed, been made, and thought by some persons an insurmountable obstacle to the plan. In support of their opinion, they say, that those who know but little of the character of the lower class of Irish, may reason about it in the manner I have done; but that others, who are better acquainted with them, must be satisfied how impossible it would be to accomplish such an undertaking.

Though I trusted I had been able to form a true estimate of their character at the time I made those observations, yet I certainly could not speak to it from experience as I now can; and I am

happy to be able to say, that I rest confirmed in the ideas I then entertained of the people.

The peasantry of Ireland look up to the skill and abilities of Englishmen in the different arts with a degree of astonishment, and are eager to copy from them.

Those of any particular district certainly have great jealousy of a stranger, even of their own countrymen, coming to settle among them, especially if it appears to be for the purpose of wresting their occupations from them; but whenever it is clearly stated to them, that it is with a view to serve their interests, they wait the result; and if it proves as they were taught to expect it would do, they are afterwards not to be outdone in gratitude by any people whatever.

In respect to the carrying into execution such a plan as I propose, I admit that some districts are in a more favourable state to receive the benefit than others, and those persons resident in the country can best judge of the particular spots where first to set about it; but let it not be said, that because it must be allowed there are other districts in which it would be hopeless

at present to introduce any plan of improvement, no attempt should be made any where. Moreover, it is asserted, that the native inhabitants of the south of Ireland possess such a degree of indolence that it would be a vain attempt to endeavour to lead them to industry. It is indeed a lamentable truth, that these people do, in their early years, contract habits of indolence, which they afterwards find it difficult to overcome, but in contradiction to the broad statement, that they are wholly without industry, numberless instances might be adduced. To such an assertion I would reply, does the peasant who, whenever he can obtain even a piece of barren heath, toils on it to make it produce potatoes for his family, possess no industry? Is the patience with which the small farmer cultivates great part of his ground with the spade and shovel a testimony that he wants industry? Is the instance I have given of his travelling day and night fifty or sixty miles to sell a trifling quantity of butter, and returning with the same expedition, a proof that he wants industry? And lastly, are the exertions made by the farmers in general to drudge on in cultivating

their land with little prospect of gain, proofs of a want of industry? Alas! all these things may indeed be given as evidences to shew, that with the means these people at present possess, their exertions tend to little good, and likewise the necessity both for their own and the public advantage that their endeavours should be better directed; but whilst such examples exist, I cannot admit that the people are incapable of being led on, as they begin to taste the fruits of their labour to exercise it to the utmost.

But I will state the particulars of a case, fully illustrating what I advance respecting the possibility of bringing about improvements in agriculture by such means as I had proposed.

The cause of my first going to Ireland was to arrange an establishment for the Honourable Board of Ordnance, for the manufacture of bricks in that country for the use of fortifications, as those procured there were of a very inferior quality, and the freightage on others sent from England was extremely high.

After obtaining some land proper for the purpose, and in a suitable situation, my next object

was to provide manufacturers. The neighbourhood, though a populous one, afforded none, and those in other parts of the country appeared so unskilful that it could answer no good purpose to collect and remove them. To have had a number of workmen sent from England would not only have been attended with very great cost, but as their habits of life are so different from the people of Ireland, and as many of this kind of manufacturers, from an excess of earnings, are profligate in their manners, they would have ill accorded with each other; it therefore appeared to me by no means advisable to mix many of them together. Above all, having seen the distressed condition of the people in that part of the country, I had taken up a warm interest for them, and determined that those on the spot should, if possible, gain the benefit of the undertaking.

I therefore caused the work to be commenced with only two men from England, and such labourers of the place as first offered their services. Having arranged a plan for their being severally instructed in the different parts of the ma-

nufacture, and divided the labour into distinct branches, I directed that such men as appeared most active and intelligent should be put to those parts which required the greatest skill.

They all, in the first instance, entertained a great dislike to perform it by piece-work; and therefore, I was aware that without their doing so the business would go on heavily; instead of its being let to them in a systematic manner, I had it accommodated to whatever way they were most disposed to engage in it. They soon found the advantages of the proposed method, and gladly acceded to it. The result was, that within two months from the commencement they were enabled to execute their respective parts in a workmanlike manner, and afterwards continue them with expertness.

If I have greater satisfaction in reporting one thing more than another relating to this establishment, it is, that notwithstanding the very low price of spirits, and the proneness with which the Irish are said to be addicted to the use of them, only one instance has occurred of a workman being intoxicated during two years.

Besides having this man discharged from the

employment, as a warning to others, I adopted a plan which has been attended with beneficial effects; viz. that the workmen are permitted to have any part or the whole of their week's wages early on the Saturday morning, and their wives are consequently enabled to lay it out in provisions in the market. Thus the whole family obtain real benefit from their increased earnings.

From this instance, small as it is, I think it may be fairly estimated what the Irish peasantry are capable of being brought to accomplish; and I ask, whether, if before it had been carried into effect, I had declared a plan of having a manufacture, requiring skill, at once executed by the common labourers of the country, it would not have been considered more visionary than any thing I have now been proposing?

The next head on which I wish to offer some considerations, is the state of the country with respect to tithes. At the time I made my former observations, I felt and endeavoured to express the great importance of the subject; but also acknowledged the delicacy with which it was requisite to treat it.

I proposed, however, as a remedy for the pre-

sent unhappy state of affairs, what I thought would be nowise objectionable, and indeed the only one by which I conceive the just rights of the clergy can be preserved, and at the same time harmony and good-will be restored between themselves and their flocks; viz. an allotment of land in lieu of tithe, to be carried into effect by commissioners, vested with powers like those given them in Acts for enclosing land in England.

Yet to this plan some objections have been made. The question has likewise undergone grave discussion in Parliament, but no alteration has been resolved upon.

I have attentively watched for, and fully considered every argument that has been brought forward on the subject; but I confess my sentiments remain unchanged, as to the mode of effecting the above-mentioned purpose; and from all I have since witnessed, I am more strongly than ever convinced of the necessity of an alteration, and that an immediate one.

With a view then to place the matter in a clear light, I shall, as I have done respecting the agriculture, first trace the causes of the present

unhappy state of affairs in this respect, and then endeavour to shew how far the proposed remedy will be likely to prove successful.

But before I proceed to do so, I wish, if possible, to do away a prejudice, (at least as far as relates to myself, since it has been objected to what I suggested,) that whoever is actively friendly to the interests of agriculture, is inimical to the payment of tithe. Far, however, very far be such a sentiment from my mind: I know and feel that the tithe of land is as justly due to the church as the rent of it is to the landowner; and I should lament to see any class of men, much more the clergy, deprived of their right.

Almost every civilized government has deemed it expedient to have an established church, and so I conceive must every wise government and enlightened people know how necessary it is in the first place, that the ministers of that established church should consist of different ranks, and each be upheld in a degree suitable to their high office; and that for the happiness and prosperity of it, the funds appointed for the purpose should be raised in a way the least likely to produce dis-

content; that thus those who entertain such communion may pay their portion without reluctance, and others who dissent and separate from it, although they have no more just ground for complaint at having to contribute towards the ecclesiastical than the civil part of the state establishment; (for, if it is otherwise admitted, it may as well be said that every different sect should set up a civil establishment of its own, and thus throw the whole country into anarchy); I say it is advisable that these also should have as little occasion as possible to make their contribution a ground of dissatisfaction, or to use it as a weapon for ultimately destroying the whole fabric, by keeping up a constant state of warfare with the established church, which liberally tolerates them publicly to exercise and promulgate their own faith.

I deem it wholly unnecessary to go the length which some persons have done to prove the origin of tithes; for it is fully sufficient to say, in the present day, that throughout the Christian dispensation, during which nearly two thousand years have elapsed, every generation has acknow-

ledged and ratified the right of part of the produce of the earth being allotted for this purpose*. Our ancestors, from time immemorial, have inherited their estates subject to it, and it ill becomes their successors now to grasp at what does not really belong to them.

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* A law for payment of tithe may be traced in the English civil code to the time of King Alfred, who, in the preface to his laws, says, he borrowed them from the tables of his ancestors. Alfred's law concerning tithes was confirmed by his son Edward. King Athelstan, about the year 930, earnestly conjures by all that is sacred, all under his jurisdiction to pay tithe. Edmund, his successor, in a Synod, held at London, about the year 944, charges every Christian to pay his tithes duly. King Edgar added another law in the year 967, and enforced the payment under severe forfeitures, which were afterwards approved and established by the Danish king Canute, in an assembly of his wise men at Winchester, about the year 1032.

These laws were strengthened and enforced by Edward the Confessor, acknowledged after the Conquest, and in substance continued to the time of Henry the First.

The rights of the clergy, with special reference to Edward's laws, and the charter of Henry the First, were afterwards ratified by Magna Charta.

Of this however they may rest assured, that whenever the ecclesiastical part of the title deeds is consigned to the flames, the conflagration will soon reach their own.

These are the sentiments which I endeavoured to express; I had their accomplishment in view; and I trusted that the plan I as briefly proposed would tend to promote so desirable an end.

Having now endeavoured to explain, I hope beyond the possibility of misconception, my opinion respecting the duty and necessity of contributing the tithe of land to the clergy, I shall proceed to notice, as I proposed, the present state of this contribution in Ireland.

It must be almost needless to observe, that by far the greatest part of the clergy in that country neither receive what is justly due to them, nor is such proportion as they do receive paid in general without murmuring and contention.

Thus they must either forego their claims, or live in a state of constant hostility with their parishioners. Let us, therefore, inquire whence this discord arises. I have already shewn, in de-

scribing the state of agriculture, that the land, from a multiplication of interests and profits on it, has become overloaded with rent, which the scanty means and imperfect husbandry of the farmer are scarcely, if at all, able to sustain. The calls for rent are loud, and must be satisfied, or he knows his cattle will be impounded and sold, almost without notice, by the summary process in use in Ireland, which produces such daily scenes of distress and strife by attempts to resist it. If the tithe has been taken in kind, he says, that but for that he should have been able to pay his rent, and prosper. But suppose it not to have been the case, but that he is to pay a stipulated price in money, and that after disposing of the produce of the land he has sufficient to provide for the rent, and a little surplus, he then considers whatever is taken out of it for payment of tithe, as so much torn from his profits. The lessees and claimants for profit rents from the land consider, that but for the payment of tithe they should gain more, and I fear that too many of the land-owners entertain the same opinion. Many of the clergy let their tithes to a proctor,

some few, perhaps, from a desire to obtain the utmost; but I am persuaded, the number who resort to this expedient from such a motive is very small indeed compared with those who are driven to it by necessity; for a man of a meek and quiet disposition is unable at present to collect any tolerable proportion of his dues without it. Yet from whatever motive this mean is used, it tends alike to add fuel to the fire, for the proctor will endeavour to make the most he can of his trade; and, as formerly observed, it is not to the interest of these persons to reconcile the other parties. An outcry is raised against tithe as an unjust demand on the produce of the earth; every one can plead in his own interest, and specious arguments are at hand. Those who are indifferent to all religion assert, that there is no necessity that the clergy should be supported at all. Those who dissent from the established church maintain, that it is sufficient that they pay their own pastors: and the government is accused of supporting unjust claims for the establishment.

Now, in fact, was the payment of tithe to be

wholly abolished, the tenant at will would not gain any advantage, for a still larger rent would immediately be expected from him; landowners but lessees and landowners would profit by it. The lessees would gain a temporary advantage from the landowners, by having a term to run before the change took place, and the landowners would gain a permanent advantage from the clergy, but in equity as if they were wholly to enclose part of an adjoining estate into their own. Thus some wilfully unjust, others deluded into a blind belief that their own interests will be advanced by the abolition of tithes, join in the clamour, and become hostile to church and state.

Since then, such confusion exists, and self-interest in one class, and false expectations of gain in another, so generally prevail, can any person who is capable of estimating how strongly these motives operate on the human mind, bring himself to think that the evil will wear itself out: and is it not more reasonable to suppose that it will increase rather than diminish? What then follows, but that unless a different arrangement for providing payment of tithe is adopted, either the

clergy must go unpaid and the church become deserted from want of ministers, or the present strife continue, cankering while it lasts the mild and pure principles of religion in pastors and people, and sapping the foundations of church and state.

Now since this payment (to urge no other motive) has time out of mind arisen from the land, which is the best of all security, it would be highly unjust to the clergy to change it to any other fund, neither would any good be produced by doing so.

If a rate was to be collected for the purpose, that could make no real difference, unless indeed the clergy gave up as much as the landed interest gained; neither would it be at all equitable, by any mode, to fix a given sum in lieu of part of the produce of land, when that produce is liable to change in value. Were the government to undertake the payment of the clergy, this would be such a revolution, and so completely break down a kind of property which has become an inherent right from the sanction of antiquity, and coeval with any other property that can be

claimed on the land, that no right could afterwards be considered stable; neither could any advantage to those who have to contribute arise from it, as a tax must then be collected in the place of tithe. But instead of the clergy being paid the tithe either in kind or by money, if a given proportion of land was allotted in every parish for the payment of their dues, no injustice would take place.

If the land owner gave up part of his soil, though he would not have an equal number of acres, yet his rent-roll would be to the same amount as the remaining quantity would be worth more by being tithe-free. The tenant would be no loser thereby; for although he paid the same rent to the landlord for fewer acres, yet he would then have no tithe to pay.

The clergy themselves would have no just grounds to complain from the change; for if the price of the produce of land varied, so would the yearly value of their allotments.

It has, indeed, been asserted, that a change of this kind would cause such a difference in the principle of the thing as to endanger the right itself.

From this opinion I very much differ; for I consider that it would, in fact, be no change whatever in principle, but only a variation in the manner of payment of one of the two hereditary interests in land.

The largest of these interests is that of the landlord, who formerly was paid his rent by the tenant in kind; but it became more convenient to him to receive it in money, after that grew into general use as the circulating medium; and by his having the absolute controul over the land he was enabled readily to effect this change without prejudice to his interest.

But the other interest belonging to the church, though equally valid, was not separately set out; for instead of the incumbent of each living having a distinct estate, he had an undivided though fixed rate of claim on many estates; and therefore from the clergy not having such an absolute controul over a given quantity of land as the landlord, they have been less able to bring about this change in the manner of receiving payment from the cultivators, so as to obtain an equivalent for their just due.

Contentions of the kind which I have stated have consequently occurred, and will continue until portions of the land for the claims the church has on it are separately set out.

These observations, however, relate mainly to clergy of the second rank, for a principal part of the incomes of the bishops arises from absolute and defined estates. The plan therefore which I am proposing tends to render the revenues of rectors and vicars more of the nature of those which the higher order of the clergy receive; and an objection which has been made to it, that if all church property was vested in real estate, it would be the more likely to be legislated away from it, appears to me to originate in a visionary idea. No country ever attempted so black a deed, until both the government and the people were lost to all sense of religion, and how will a proper reverence and respect for it so probably be kept up, as by rendering the mode of payment to the clergy the most agreeable that it can be made to all descriptions of people? That this would be the case by the plan I propose, I feel most strongly persuaded, for the undivided inhe-

stance which landlords and the clergy now have in the same estate being then separated, and a landmark being set up between the rights of each, all strife and discord must die away between them. Neither would the cultivators of land have any thing to contend for with the clergy, as they would have no tithe to pay them, and there would consequently be the fairest prospect of their living harmoniously. The immediate renters of the glebe farms, instead of being hostile to the incumbents of livings, would hold the same relation to them which other tenants do to landlords.

Were it necessary to bring facts in proof of of what I assert, numberless cases relating to England might be adduced, in which, from an Act of enclosure having taken place, and the glebe land being allotted in this manner, peace and good, will have sprung up in a parish which was before full of broils. I must yet further mention, that I think the general cause of religion would be most essentially served by what are now considered as the annual contributions of individuals being done away. For example; the very best

of men prefer a free rent in money, to that for which they have to pay a yearly sum; even though it be one for which their ancestors or themselves gave a value, they nevertheless are better satisfied with it than that for which there is a constant demand for payments. This argument holds equally good with respect to the manner of paying tithe annually, and that of providing payment by allotting a proportion of land to discharge it.

I have thus endeavoured to reply to every argument which I think can reasonably be urged by the clergy or laity against this plan, and shall now proceed to state what I consider would be the most fair and satisfactory manner of carrying it into effect.

I have already proposed, that it should be done by means of commissioners vested with powers similar to those given in Acts for enclosures in England; viz. to adjust the quantity of land to be set out in each parish in lieu of tithe, and to make exchanges of lands, so as to bring the allotments as compact as circumstances would admit

to be enabled, as much as possible, to do

justice to all parties. Two objections, however, may fairly be made to the present manner of conducting enclosure Acts in England; one is, the enormous expense which the commissioners too often incur on the land, and the other, that they so frequently shew favour to the interest of particular persons; in either of which cases, there is but little prospect of redress being obtained by those aggrieved; but these evils, I consider, arise principally from the enclosures being effected by individual Acts of Parliament, and there being no appeal from the local commissioners to a superior board. What I would therefore propose in this instance, is, that two commissioners should be appointed for a given district, one fixed on by ballot of the majority of land-owners, and the other by the bishop of the diocess; and also a superior board named in an Act of Parliament, to controul the whole, and to whom both the land-owners and incumbents of livings might appeal and refer all grievances: that this board also might have power to settle all matters in dispute between the two district commissioners, to appoint a third to judge between them of any local circumstances,

and in cases of necessity to cancel the appointments of the two first named, either in respect to the district for which they were so act, or for any particular parish, and to order others to be chosen in the same manner in their stead. One general Act of Parliament should, therefore, provide for this; direct rules for the guidance of the district commissioners; fix a rate of expence for carrying the measures into effect, and determine the proportion of land to be allotted in lieu of tithe. The chief business of the district commissioners would be to ascertain the exact quantity of land which every land-owner possessed in each parish, to settle the number of acres to be given up by every one, and to effect exchanges of land in the fairest manner, so as to bring the glebe estate as much together as circumstances would possibly admit of.

The business of the board of commissioners would be to adjust, on appeal, any difficulty arising from local or other circumstances, to restrain the district commissioners from acting with partiality to individuals, and to redress grievances. It would, indeed, be matter for important consi-

deration what rate of proportion of the land ought to be fixed by the general Act, to be allotted in lieu of tithe.

Seeing how very extensive many of the parishes in Ireland are, the church livings of such, if the land was brought into a good state of husbandry, would almost equal small bishoprics in value. But since, in such a number of cases, two have been consolidated into one, it is not unreasonable to hope, that a time will come, when they may again be disunited; thus a greater number of the clergy be provided for, and those be better enabled to compass the care of their respective parishes. This measure, I conceive, could be accomplished without any act of injustice on the demise of an incumbent, whenever a second church and glebe house were erected.

But there is also another point worthy of the maturest reflection, which is, whether, as there is at present no certain fixed fund for the infirm, sick, and totally destitute part of the poor, some provision should not also at the same time be made for their support. Many liberal-minded clergy of Ireland declare that, as circumstances now are, they would

in no wise look for so great a proportion of the land to be allotted in lieu of tithe, as is considered equitable in England. On the other hand, the land-owners can have no plea to retain a larger portion of it than those in England do, more especially as the land is subject to no poor's rates. Here then an opportunity is afforded of allotting also a portion of land in aid of the poor, which would be doing an act of the highest justice and popularity, and which it would be generous in the clergy to acquiesce in.

If a proportion of the waste land to be enclosed was also set apart for the same purpose, the rental of these together would contribute to the necessities of those, who for want of such a fund are reduced to the very lowest dregs of human misery.

I have already noticed, that no laws at present exist in Ireland for providing means of relief for the necessitous poor, who are consequently wholly dependent on voluntary contributions. Alms are collected in the churches every Sunday for the purpose; but as I observed in a former publication, those can only prove a scanty and inade-

quate fund for the numbers who stand in need of it. In a country where the poor form so large a class compared with the rich, and where there must consequently be so many, who from sickness, infirmity, and the want of friends or employment are left completely destitute, the best efforts of the rich can go but little way towards succouring them. The charity too of these persons from such frequent and stated calls being made on it will be in some degree blunted, especially as they must find what will ever be the case with voluntary contributions, that the niggardly and unfeeling cast the weight entirely on them.

It may, however, be said with great truth, and very much to the honour of the Irish peasantry, that they feel most sensibly, that it is the duty of children to cherish and support their aged and infirm parents, and even other near relatives, and discharge it to the utmost their scanty means will enable them. This, I know, is brought forward to shew, that laws for the relief of the poor, tend to destroy their exertions to assist each other. There may be some degree of truth in the asser-

duty, though by no means sufficient to prove that such laws are bad, or pledge either unnecessary. But if some good effect is produced by the absence of them, an (as in all extremes) is opposite evil. It was long before I could believe that the distinctions which parents in the southern part of Ireland possess to their children labouring, was connected with the dependence they feel on them for future support. But it certainly is so, and they persuade themselves that the less work their children perform till they become nearly adults, the greater will be their strength and activity to support their aged parents afterwards. Thus then, if from the non-existence of legal obligation for the support of any of the poor, they are urged during manhood, by the ties of filial and relative duty, to cherish and maintain those near and dear to them, so are they also, from the want of these laws, unfitted for it, by being reared up in habits of indolence and inactivity from the fears of those who feel dependent on their exertions, lest they should find them unequal to perform their future task. Even suppose this prejudice, so common in the part of the country I am treating of,

were removed, yet in a land so much abounding in poor, what numbers must there be who are unblessed with children or other near relatives to comfort and sustain them, how many families where a widow and helpless infants, bereft of him who before toiled for their support, must either have constant relief from others, or perish from want. But I will state a case or two from amongst the many within my own knowledge which I could bring in illustration.

An industrious poor labourer, whose occupation was quarrying stone, unfortunately had both his hands blown off at the wrists, by a premature blast of the rock. He had a wife and numerous young family, unable to earn food for him or themselves.

From the bounty of a public body who owned the property, he was allowed gratuitously to take stone from the quarry and dispose of it; but in consequence of the very low price the material bore, and the uncertain demand for it, he could not afford to pay a labourer for assisting him. I have seen him toiling daily with an iron crow placed between the stumps of his arms,

to rend asunder the fragments of rock. The quarry, however, shortly afterwards failed, and so did his hard-earned bread; his countenance then exhibited such a picture of distress and famine, as it is painful to remember.

Another which I shall mention is now taking place.

A journeyman carpenter, by his industry and good conduct, maintained, till of late, a wife and four small children in a comfortable and very decent manner. During the hot weather last summer, he threw aside a flannel waistcoat which he had been accustomed to wear, and omitting to resume it early in the winter, was seized with a violent cold, which brought on a rapid decline; in the last stage of which he now languishes, and by the time when, in all human probability, he will have drawn his last breath, his poor wife will have added another to her helpless offspring.

Let these simple facts speak for themselves; they are no solitary cases, but such as constantly do and ever will occur—cases with which a populous country must teem, and which plead, more forcibly than any reasoning of mine, the neces-

sity of some provision being made for the poor, beyond the uncertain supply of voluntary contributions.

What likewise can be said to the cases of mendicity? A stranger passing through a town is assailed by a number of miserable objects, decrepit, ghastly, half naked, and apparently half famished; many of them scarcely retaining the semblance of human beings; some driven to it by pressing want—others preferring it from idleness; but he cannot exactly discriminate between them. If he gives to a few, perhaps the most worthless have obtained from him, by their clamorous importunity, that bounty which he designed for those who were truly objects of it, could he have selected them.

His means will rarely permit him to spare something for them all; and if they did, he would but be encouraging idleness and dissipation by giving it. If he passes by the whole, his heart will, perhaps, afterwards be torn by the reflection, that a fellow creature may have perished from the want of what he could well, or at least with a little self denial, have spared, had he but known how to dis-

tribute it. It would be needless to inquire of any of them, "which is your parish? and why are you not received into it?" for, alas! all parishes are alike to them, except that they must prefer the one in which they can have the greatest chance of exciting charity.

The best remedy for this calamity would be to increase the number of houses of industry, supported by a county rate*. The idle and dissipated would then be either driven to labour, or at any rate they need no longer be suffered to remain at large, a pest to society, nor rob those of

* How much more would it be to the benefit and credit of the country, that the several counties should raise money for this purpose, rather than furnish such enormous sums towards roads. The plea is the necessity of repairs and new roads; but the presentments, it is to be lamented, are too often countenanced by persons of property, and in some instances even of rank, who either undertake the business themselves at an extravagant rate, or by their interest procure a given part of the road to be repaired by their tenants, who pay them a higher rent for their land in consequence.

This practice is notorious throughout Ireland, and carried on to an incredible extent.

relief who would be industrious, had they the ability to be so.

In providing the necessary fund for the support of these last persons, humanity should not out-run the just means of accomplishing the intended purpose; and, much as I respect the laws of Great Britain which enforce parochial relief to the poor, I am far from supposing Ireland to be in a state to meet such at present.

Neither the higher classes nor the general property could afford to sustain such a demand, nor, perhaps, would many of the poor, circumstanced as they are, use their exertions to the extent that could be wished, to support themselves without such aid. I only mean to urge that it is indispensably requisite that every parish should have some certain fund for supplying the necessities of such as must otherwise either perish from want, or drag on so miserable an existence that death itself would be a relief to them.

I shall therefore proceed to the consideration of what fund can be best provided, and how afterwards distributed. I have before intimated that in making a commutation of land for tithe, toge-

ther with enclosing the wastes, there is ample opportunity of allowing a proportion of estate, the rental of which might be applied to the benefit of the poor. It is a measure which the reasonable part of the clergy and landowners neither could nor would object to, and the whole plan would be rendered highly popular by it. This, however, would not meet the case of every parish, and in some parts of the country, as well as in cities, a rate on houses must be collected. The more simple the mode of distribution, the better; and I would recommend that two guardians of the poor should be appointed annually for every parish—one to be chosen by ballot of all the landowners and tenants of a rental of ten pounds per annum, and the other by the resident clergyman of the parish: each of these two to distribute half of the annual revenue; and if in any case either was considered to be making an unjust distribution, an appeal to be made at any time to three magistrates, who should have power either to sanction or disallow that particular disbursement.

To prevent the possibility of both the guardians

of the poor acting with prejudice to an individual, three magistrates, on application being made to them to hear the parties, should have a discretionary power to order a small limited sum to be paid out of the fund, in case the individual or head of the family asking relief had resided constantly for seven years in the parish*.

The whole accounts of the guardians of the poor to be brought before the quarter sessions annually to be confirmed and signed by the magistrates, who should have power to disallow any part of the expenditure, and prevent the re-appointment of any guardian detected of fraud or gross partiality.

This, I conceive, is all the system of poor laws

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* I do not mean that no persons should be relieved except such as had resided constantly for seven years in the parish, or that all those who lived so long in it should have an absolute demand for relief; but rather that in the former instance it should be discretionary with the guardians; and in the latter with the magistrates, who in cases of extremity should have power to order some small relief, if they deemed it expedient. This kind of settlement would, I think, attach families to a particular spot.

to which Ireland, in its present state, is equal; but if carried into effect, I am fully convinced it would tend to make the poor better satisfied with their homes, and less disposed to ramble from place to place; while it would also promote the happiness and prosperity of the rich.

There remains but one more head now untreated of, on which I formerly offered some observations, and in which the best interests of the country are materially concerned—namely, the state of Ireland with respect to churches and glebe houses.

By a statement which I then extracted from a respectable work*, it appeared that the whole island contained 1120 benefices, 2436 parishes, 1001 churches, and 354 glebe houses, on about twenty million acres of land, English measure: that in some counties there were nearly five parishes to one church; and estimating the whole population at only three millions eight hundred and fifty thousand, there were, on an average, almost four thousand inhabitants

* Rev. Dan. Aug. Beaufort's Memoir of a Map of Ireland, published in 1792.

and twenty thousand acres of land to each church, and upwards of fifty thousand acres to each glebe house. I then deducted four millions of acres for waste land, after which, there remained on an average only one church on every sixteen thousand acres of land fit for cultivation. Since that time, a grant has been made by parliament of fifty thousand pounds towards building churches and glebe houses, which is now expending, and I make no doubt, properly in most respects; but it still appears to me desirable, that a more regular and systematic course should be pursued, than that which is taking place. I before suggested the expediency of adopting one general model for churches, and that it should be of such sort, that additions could be made with facility, and without interrupting the order or beauty of the building. A parish at present standing in need of only a small church, might thus have the centre or body of a church first erected; one requiring a church somewhat larger might have one built of a second size or rather with a single wing; and a parish standing in need of a still larger, might have one with both the wings or side aisles to it.

I likewise proposed the same system with respect to glebe houses. That a plan for a moderate sized convenient house should be adopted, which admitted of additions being made to it without difficulty, if the incumbent chose to do so. The advantages arising from this system would be these. Stone and lime being so abundant in Ireland, an estimate might be formed of nearly the expense of each church. It would differ a little according to some local circumstances, such as the carriage of the materials, and labour in working the stone, as some kinds are of a harder quality than others; but the difference in most cases would not be so great as to derange the general estimate.

If then a regular return was to be made by the bishops of the state of every parish in their respective dioceses, as to the churches and glebe houses, with an account of the number of acres of land in the parish under or fit for cultivation—and in case it already contained no church or an indifferent one, which of the three sizes would be suited to it—the legislature could at once judge of the whole sum required, and in what annual proportions it might be allowed.

A census being about to be made, the population of each parish will be known, and I think that, in a considerable degree, ought to be a guide as to the size of the church; for whatever may be the communion of the inhabitants in general, it is the duty of the establishment to open wide its gate, to compel none, but to enable all to enter; and it is also the duty of the state (circumstanced as Ireland is) to provide means for its being done.

Having now stated my observations separately under those heads in which I suppose the happiness and prosperity of Ireland are most affected, I will proceed to make some general remarks. In the course of them, I shall shew the natural resources which the country possesses, pointing out how I think they will be brought into action by the plans I have suggested; and whilst summing up the advantages which I think these plans collectively will produce, I shall contrast the present with the expected state of things.

First then, let me notice the benefits likely to arise to the peasantry, and small farmers who so nearly resemble them in their circumstances, that

I hardly know how to draw the line of distinction between them.

The difficulty and almost impossibility of providing them with a comfortable and decent dwelling would cease to exist by a supply of timber being reared, which may be soon done to answer that purpose. It would be no longer necessary for the family to live in a hut almost poisoned with smoak, and the stench of pigs, fowls, horses, cows, and goats kept under the same roof with themselves, nor to have the dairying carried on, as a very great proportion of it now is, amidst this complication of filth. An improved state of agriculture would supply so large an amount of better food than they at present consume, as to reduce the price of it, and likewise both in itself and the other employments, which it would be the occasion of producing, furnish these people with the means of purchasing it.

They need no longer subsist on potatoes alone, or at best with the addition of sour milk*. This

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* It is truly lamentable to behold the state of this food when sold to the poor in the markets. A number of cars,

latter object appears to me of so much importance, not only as it affects the comfort, but also the physical strength of the people, that I must digress to state and answer the arguments urged in favour of the sufficiency of the present kind of food. It is asserted, that there cannot be a more robust and healthy people than that part of the Irish who live on potatoes. I answer, they enjoy a fine climate, and perform in general but a slight degree of labour, neither can they, whilst they live on such food, perform more. The land may be said to yield a given degree of nutriment; some crops contain it in a small, and others in a more bulky compass. Potatoes are of this latter de-

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each containing a large tub of sour milk, being placed in a row, the purchasers go from tub to tub, tasting the quality of each, and strange to say, from custom, preferring what is most acid. The whole, in general, is so glutinous, that when poured out it draws into long strings. To shew how far the farmers live in the same manner, I will mention the case of a man occupying fifty acres of land, (and the farms are not in general so large) at a rental of two hundred pounds a year, who had no other dwelling nor food than such as I have described.

scription, and, therefore, a man must consume many pounds of potatoes to gain from them the same bodily strength that a pound of wheat would produce. If, for instance, his labour required him to have the daily sustenance of one pound of meat and two of bread; he must, to keep up the same strength, if he lived entirely on potatoes, consume a greater weight of them than either his appetite or digestion would permit. It is further said, that the Irish perform many laborious employments in England, such as coal heaving, &c. True, but they obtain other food besides potatoes.—Again; in the cities in Ireland they carry great loads. These persons purchase at a cheap rate the offal food from the markets.—But even the peasantry, who live wholly on potatoes and sour milk, occasionally make great efforts of strength. They do so, but without the aid of some other food they must fall back into a state of inactivity for their bodily strength to be recruited. A man can no more keep up his exertions with the supply of a bulky food like potatoes, than a horse can with hay only without the addition of corn; and I have known

instances of workmen, who from parsimony attempted to live on poor food, whilst they were performing great labour, sinking under it.

In respect to the bodily condition of the Irish, who live so much on potatoes, I have constantly noticed, that although many among them who performed little labour were, during great part of their lives, robust and healthy, yet infants and aged persons in particular shew, by their meagre countenances, the insufficiency of such food even when they performed none. I make not these observations from prejudice; for in my former publication I have endeavoured to estimate the real value of this root. Having now, I hope, satisfactorily answered the arguments commonly urged in favour of it as an entire food, I shall return to the remarks which I was before making.

The Irish peasantry and small farmers, then, being able to obtain grain with some portion of animal food for their subsistence, in addition to potatoes, would not only be rendered more comfortable, but they would feel greater ability, and consequently more inclination to perform labour. Thus their strength would be improved;

and from this cause, together with the adoption of other measures which I have proposed, their minds would be more tranquil, respect for their superiors in rank would be promoted, their ill-will to the clergy of the establishment, from having to pay tithes, would be done away, and they would have reason to look to them for aid.

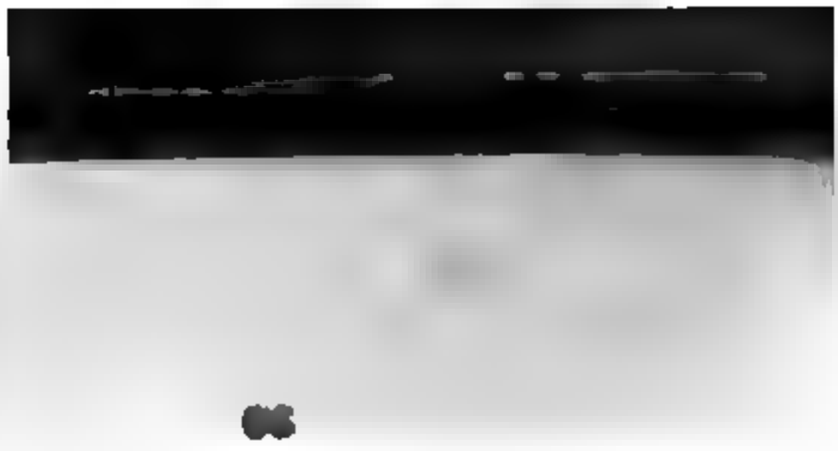
' By an increased number of clergy residing among them, the better sort would be more informed, schools could then safely be established for the instruction of the very poor orders, without so much danger as at present of their being made, by ill-designing men, the vehicles of wild and extravagant doctrines, and the very ignorant part of the people would in the end become civilized.

Another benefit which may reasonably be expected to arise to the country from an improved state of agriculture, and the consequent comforts which the peasantry will experience, would be a diminution of the general spirit of emigration: but as there is one species of it which appears to me to require the immediate interference of the legislature, I must here digress to describe it; I

mean, that carried on under the appellation of indentured apprentices.

It has long been the custom of the masters of American merchantmen, after delivering their cargoes in Ireland, to entice the people of the class I am now mentioning to quit their homes, with the lure of gaining fortunes in America, by putting themselves under their patronage, as a remuneration for which, together with the expense of their voyage, and sometimes from the addition of a small sum given them for present use, they are induced to sign an agreement that they will serve for a given number of years, whomsoever their patron fixes on.

They are assured that they will have great advantages during the time, and that when it is expired there will be an absolute certainty of their making fortunes. No sooner do they arrive in that country than their stipulated services are sold for thirty or forty pounds each, their golden dreams vanish, and they shortly afterwards find themselves in a ten-fold worse situation than before they left home; gladly would they return when their service is ended; but they are penny-



less, and alas! they meet with no American captain equally ready to carry them back.

This traffic in Irishmen has been of long continuance, and to a very great extent; so lately as last year I witnessed an American vessel freighted with nearly three hundred of these poor deluded self-sold men, then taking leave of their native shores, and the sails hoisting in the wind to transport them into abject slavery.

It is no part of my purpose to discuss the political relations between the British dominions and America; but were they far different from what at present exist, it would be incumbent on me to shew this evil in its full light, since it is material to the cause I am attempting to advocate, that the country should no longer be robbed of her youth, or they suffered to be sold into bondage.

I will not presume to say, that in a free land it would be equitable that those laws which restrain manufacturers from emigrating should be extended to every class of labourers. But I consider that it would be a measure grounded on principles of the strictest justice, that the master of every foreign vessel about to depart from the

country should first declare the number and names of the passengers he was going to take, and that every native previously to his embarking in a foreign vessel should be obliged to appear before the magistrates resident at or near the place, to declare his intention of going, and whither, and obtain a certificate to that effect. This certificate he would have to deliver to the master of the vessel in which he sailed; and a severe penalty should be imposed on every master who was found conveying away a native of the country, unless he could produce the certificate required.

A measure like this would, I am persuaded, at any rate, give opportunity for dispelling much of the poison instilled into the minds of these poor creatures by interested foreigners, and which I am fully convinced has principally promoted emigration in general.

But to return to the other advantages which would arise from an improved state of husbandry. Part of the capitals acquired by agriculture would find their way into commerce, and bring back increased wealth; thus the one would furnish strength to the other.

I will now point out how extensive these benefits may be rendered. In my former publication, after stating the whole extent of land in Ireland to be equal to about twenty millions of acres English measure*, I deducted a fifth, being four millions of acres for waste land in bogs, mountains, rivers, lakes, roads, &c. after which there remained sixteen millions of acres fit for cultivation. But some objections have been made to this deduction as not quite sufficient; I will therefore allow a million of acres more, or a fourth part instead of a fifth of the whole, which will then leave fifteen millions of acres fit for cultivation. I infer from the following data that this amount must be nearly correct. The bogs in Ireland are acknowledged to be equal to full two millions of acres; and I think every person who has viewed the country attentively must be satisfied that they occupy more of it than those mountains and other wastes which are incapable of being cultivated. But allowing two millions of acres for these latter, and such part of the good

* Beaufort's Memoir of a Map of Ireland.

land as is not directly applied to the purposes of agriculture, there will then, by this deduction, be one million of acres left for waters, wastes, and buildings.

Now I am confident there is no disinclination in the natives of Ireland to cultivate these remaining fifteen millions of acres, but, on the contrary, they are anxious for opportunities of doing it. There is, in fact, a much less proportion of land suited to the purpose really uncultivated in Ireland than may be supposed; and the eagerness of the peasantry to till it is manifest from the numerous instances which appear of cultivation creeping up the sides even of such mountains as might be considered unworthy of it. But the truth is, that the principal part of the cultivation which is performed is done in a very insufficient manner, as I have already shewn, and the gain therefore to be expected must arise from the people being taught to execute it better. I do not state lightly, but after mature observation, that I am fully convinced the land in the southern part of Ireland, on the average, by no means produces, at present, equal to a fourth of what it

is capable of being brought to yield under a good system of husbandry. The northern part is better cultivated, and I will therefore admit that on the whole the land of Ireland produces a third of what it could do. What then follows but that it yields at present only as much as should be the produce of five millions of acres, and that ten millions of acres of land, suited to the purpose, are uncultivated, or a loss sustained equal to it?

Ireland, out of her present produce, which I estimate as that of five million acres, supports her population, grows sufficient flax for her linen trade, and exports provisions to a very large amount; but I will suppose, that under an improved state of husbandry, provisions equal to the present export may be applied towards the better maintenance of the inhabitants. Five millions of well cultivated acres then will be employed for the support of the present population of Ireland and the linen trade, and the produce of the remaining ten million acres, suited to cultivation, may be advantageously exported. To estimate the value of this produce, I shall divide these ten million acres into five parts, and say, they may be annually thus employed.

1st. Wheat.

Two million acres of wheat producing twenty bushels per acre, or 5,000,000 quarters at 60*s.* being less than half the present value in London, 15,000,000

2nd. Barley and Oats.

One million acres of barley producing twenty-eight bushels per acre, or 3,500,000 quarters at 30*s.* being about half the present value in London, from whence Ireland has of late imported some barley and malt for the use of the breweries and distilleries 5,250,000

One million acres of oats at thirty-six bushels per acre, or 4,500,000 quarters, at 20*s.* being less than half the present value in London 4,500,000

3rd. Turnips and cultivated Grasses.

Two million acres of turnips and

£24,750,000

Brought forward £24,750,000

cultivated grasses, for which I shall put no value as it will be consumed by the live stock of the country, although it would at the same time yield a considerable amount of meat and butter for exportation.

4th. Fallow.

Two million acres fallow, which I allow to prevent the possibility of cavilling, but not that I admit the necessity of there being by any means such a proportion of whole year's fallow.

5th. Grazing land.

Two million acres of grazing land, which I consider a sufficient proportion to the arable land.

The value of the produce from it I shall estimate by the acre instead of

£24,750,000

Brought forward	£24,750,000
taking it in beef, butter, and cheese, (which latter article Ireland now imports wholly,) and as so large an allowance has been made on the turnips and cultivated grasses, I shall state this at 3*l.* per acre	6,000,000

I have already supposed a quantity equal to the present export of pork to be hereafter consumed at home, which must then be considered as arising from the first five million acres. On the remaining ten million acres, I suppose there can be at least four hogs to every hundred acres fed on what would be otherwise lost*, by which

	£30,750,000

* The above relates to waste corn and other refuse food, not to the present practice of boiling for each meal, as even every peasant does, a much larger quantity of potatoes than the family can eat, in order to supply the hogs; by which means, the account of the food consumed by both becomes

Brought forward	£30,750,000

means they may be brought to a state fit for corn feeding, and I shall, therefore, value them at 30s. each. Their future value will be a deduction from the former estimate of corn to be added to the pork. The quantity of which, for export, may be increased to any amount, by consuming more corn; say 400,000 hogs at 30s. 600,000

Having allowed so large a proportion as four million acres out of ten for turnips, cultivated grasses, and fallow, I may reasonably state the number of sheep kept on the whole, at the rate of forty to an hundred acres, or four millions. I calculate on the wool from five million acres being used for home consumption

£31,350,000

so blended, that it is difficult in any case to ascertain how much belongs to either.

Brought forward	£31,350,000
and manufacture, to which I will add that from the uncultivated mountains; and I consider the mutton from these ten million acres may be also added to the food of the inhabitants, taking only the wool for exportation, which at four pounds per sheep will be 16,000,000lbs. say 1*s.* 3*d.* per lb.	1,000,000
	£32,350,000

In making the foregoing calculation, I have stated the produce according to a given, and as little complex course of husbandry as I well could, for the sake of arriving at an estimate of the value; but it is to be considered that the species of the produce may be varied either according to the quality of any part of the land, or the demand for any particular kind of commodity; and that in some cases pulse or hemp may be substituted for the crops I have named. This varia-

[redacted] will increase rather than diminish the sum total.

The next object for consideration is how this produce can be disposed of. Need I mention the situation in which Great Britain has of late years been, and now is, with respect to corn, or state, that millions have been paid to our enemies for supplying us with it as long as they would condescend to do so; that the nation has been drained of its specie for the purpose; and from the increased population which appears from the last census, this demand must continue.

These facts are so fully within the knowledge of every person throughout the kingdom, that I should be trifling with the time and patience of my readers to dwell on them by a minute detail.

The following are such commodities as Great Britain stands most in need of, and Ireland could be brought fully to supply her with. The different kinds of corn and pulse, hemp (to which much of the soil in Ireland is well suited), beef and pork for sea provisions, butter and cheese, tallow and hides, fine wool*, and in consequence of the

* The quantity of sheep's wool imported into Great Bri-

high price they bear, a large supply of horses for the army and other purposes*, and likewise live oxen and cows.

Considering the amount of these articles which Great Britain has of late years imported from fo-

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tain on the average of eight years, ending 1810, according to Lord Sheffield's last report, was 7,729,929lbs. yearly. From the high price paid for it, the annual cost may be estimated at upwards of three millions sterling. It has already been pointed out that the soil in Ireland is highly suited to produce fine wool, and that the land I have allowed for the export trade could yield twice this weight of common wool. It then only becomes necessary to encourage the growth of fine wool, and though the quantity will be diminished, yet Ireland can thus have the benefit of supplying England with all she requires.

* Ireland possesses a most valuable breed of horses if kept free from admixture with English cart horses, the introduction of which, I lament to say, has of late become fashionable, and, in my estimation, will cause the loss of the hardy and active qualities of the Irish horses, which are at present, except for very heavy draught, superior to any breed whatever, and if the largest are kept for that purpose and agriculture, and the lighter for other uses, they will prove a lasting source of national wealth.

reign countries, and the increased population, I am fully warranted in taking the annual value of them at about twelve millions sterling. Here, then, I am willing to rest my cause. Is any one disposed to object, that I have somewhat over-rated the quantity of land capable of cultivation in Ireland, or estimated the produce too high? Although I am far from being of such an opinion, (for if the quantity of land is right, which I am inclined to believe it is, the estimate very *little* exceeds three pounds an acre for rent, tillage, and profit,) let him strike off as much as will satisfy him from the 92,350,000*l.* set apart for exportation, provided he leaves me these twelve millions. Without looking for another market to take off any part of the remaining produce, I will only ask what Ireland would become, with the return of this sum annually from Great Britain, together with other reciprocal advantages, which might be expected to follow, and how much their united independence would be strengthened by such an intercourse? Surely this would level the rate of exchange, and many times more than counter-balance to Ireland for the sums remitted over

to those who are stiled absentees. But since it is so much insisted on that the sums paid on this latter account alone will, at all times, impoverish Ireland and prevent her prosperity, I must add a few words respecting it. I have before me a calculation on this head made about forty years ago, from which I am enabled to form some judgment on the subject*. As it was published with a view to shew the disadvantageous situation in which Ireland stood with respect to Great Britain, and it appears to have been written with great partiality, I presume no items were omitted which could be thought of.—It states as follows :

Class I. A list of absentees who live constantly abroad, with the sums remitted annually to them, amounting to	371,900
Class II. A list of those who live generally abroad and occasionally visit Ireland, with the sums remitted, ..	108,300
	£480,200

* "A list of the Absentees of Ireland, &c." The work is anonymous. The above extract is from the third edition published 1769, and said to contain a corrected list.

Brought forward	£480,000
Class III. Persons possessing employments and places, said to have been then absent	72,000
	£552,400

This is all I can find in the account which fairly belongs to absentees, for I am not disposed to admit into it such items as "money spent by Irish "merchants travelling in England" without a set off for English merchants travelling in Ireland; and for insurance of ships 40,000*l.*; Children educated at the universities in England and foreign colleges, 35,000. Students at the inns of court and law suits in England, 24,000*l.* Spent in attendance and applications for employment, ecclesiastical, civil and military, 15,000*l.* Insurance from fire, and money paid for coaches, jewels, toys, &c. 40,000*l.* Adventurers to America, 60,000*l.* And pay to armies on foreign service, 142,000*l.* Which sums, with many such like, are heaped together till they amount to a

million and a half, which England then seems charged with annually drawing from Ireland.

The increase from that time, I conceive, has been less than is generally supposed; for although the rent of land has so much increased, the difference has been gained by resident lessees more than absent land-owners. But supposing the sum of 552,400*l.* said to have been paid out of the country to absentees, has nearly doubled since then, or for the sake of round numbers, amounts now to a million, yet what proportion does this bear to the sums which Great Britain can return for the produce of the land, provided Irish agriculture is brought to a state to supply it? No one can lament more than I do, the want of countenance and support which the lower classes experience from the absence of some of the owners of estates; yet it must be recollected, that many of those persons have also estates and connexions in England, which it cannot be expected they should quit; but the pecuniary disadvantages arising from it in a national point of view, I hope I have proved may be fully counterbalanced, and I shall now return to consider the means of accomplishing it.

with any other view, whilst the rest of the country remains so imperfectly cultivated is but ill applied. But the difference does not end here; for if the supply of turf for fuel is by this means to be cut off before a sufficient quantity of coal is found, the distress of the country for fuel must be great indeed.

Almost the only comfort which the Irish peasant now enjoys arises from his being able to obtain a little fuel at an easy rate; take away this, and how can he boil his meal of potatoes? deprive him of the comfort of his evening fire, and how cheerless is his condition!

From the bog land being withheld from use for fuel in some places, with a view to bring it under cultivation, and the peat in others being exhausted from an increased population, distress of this kind is already severely felt in those parts. If this becomes general, how great must the calamity prove?

I have yet to notice one mean by which I think the plans I have proposed for the improvement of agriculture may be aided, and other interests of the country materially benefited, namely, by

million acres of average good land might be gained. The most sanguine advocate for cultivating bogs cannot, I think, suppose that every acre of them will ever be brought to yield more than a fourth of what such land as I have formed my calculation on will produce. Taking the estimate of the bogs then at two millions of acres, and supposing them all capable of being fully drained, and of afterwards growing every species of corn and other produce, and that they could even be brought into cultivation as quickly as a good system of husbandry could be accomplished on better land, and only require per acre a fourth part of the culture of other land, none of which things I believe to be the case, yet, after all, they would only be equal to five hundred thousand acres of average good land, or yield but a twentieth part of the produce which I estimate may be gained by the other means. To pursue the plan of draining bogs appears to me to be following a shadow and passing by the substance.

As far as the health of the inhabitants is concerned, draining the bogs to a certain degree may be desirable, but I think money spent on them

in the same counties at once sink into the class of those I have described. I lament in this, as in every thing throughout Ireland, the rapid falling off from riches to poverty, from splendour to misery, and the immense distance which exists between them. In making the foregoing observations, I can truly say I have had no selfish point in view, nor been actuated by any other motive but that of endeavouring to promote the general good. Had I seen what I consider the true interests and wants of Ireland brought forward by others in a manner which appeared to me likely to gain the desired end, I should not have again intruded my observations on the public. I hope I have now made no assertions unsupported by reasons for entertaining those opinions, but whether they are such as may prove convincing to others it is not for me to determine.

Should it be objected that I have dwelt mostly on defects, I must declare, that if I have omitted to describe the natural beauties of the country it is because I thought them foreign to my present purpose. If I have failed to state in extra-

vagant terms the richness of the soil in Ireland, it is because I believe it to be in general over-rated; I consider it, on the whole, equal, but not superior to that of England. Had I mentioned the cities, and attempted to describe the grandeur of the capital, truth would have compelled me to shew, that if the munificence of its public charities, the noble structure of some buildings, and the spacious arrangement of many streets and squares, would do credit to the first city in Europe, so would the state in which those parts called the Liberties, and some others, are suffered to remain, disgrace the meanest. I have through-

out honestly stated things in the light in which they appeared to me, and have wished to avoid offending any description of persons. It is the good and not the praise of the Irish I am seeking; and however slender my means, or small the opportunity I may have, of exerting them, I shall earnestly strive to promote the cause in which I have engaged. Highly shall I think my labour rewarded if the matter which these pages contain shall in any wise tend to promote the prosperity of a country whose interests I deem

inseparable from those of my native land, or to alleviate the distresses of a people for whom I feel a kindred regard: their calamities will never cease to afflict, nor their welfare to cheer my heart to its latest hour.

I appeal to every liberal minded Irishman, and to every stranger, who having passed through the country, has looked at it with common observation, whether almost every step you take, every glance you give, does not bring to your view some part of the misery which I have recorded. This being admitted, and I feel assured that it must be admitted, I then confidently ask, is there the man living in the United Kingdom, who, informed and satisfied of this, can lay his head on his pillow, and take an hour's rest, before he makes some exertion for bettering its condition?

THE END.

ERRATA.

LETTER

TO

OWEN O'CONOR, Esq, of BELANAGARE,

ON THE

Treacherous Publication

OF

PRIVATE CORRESPONDENCE,

AND ON

GRAND-LAMA DOCTRINES

AGAINST THE

OATH OF ALLEGIANCE.

BY THE REV. C. O'CONOR, D.D.

Aye! there's a band, call'd *Patriot* for no cause
But that they catch at popular applause,
With all their vile hypocrisy of tongue,
Most confident when palpably most wrong,
With smooth Dissimulation skill'd to grace,
A Devil's purpose with an Angel's face.
If this be Saintship—then farewell for me,
To Saintship such—

BUCKINGHAM,

PRINTED AND SOLD BY J. SEELEY:

SOLD ALSO BY PAYNE, PALL-MALL; ROBERTON, CHARING CROSS, LONDON: AND MAHON, GRAFTON STREET, DUBLIN.

1813. [*Price* 1*s.*

226. i. 169 (10)

LETTER.

MY DEAR OWEN,

UTTERLY disavow my having ever, irectly or indirectly, consented to the publica-on of Dr. M'Dermot's Letter of August 15, 312. Had I condescended to such a *crime*, ou must be aware that I would have published in a different manner, and certainly not have lowed it to pass through the hands of a pur-iner of *private* correspondence, so lost to all nse of shame, so fallen, so degraded, so dis-raced as Plowden! I had already published, Columbanus No. V, as much of that Letter served my purpose, and I should have never trusted it to any person, but to redeem my

pledge to the public, that I would leave it in the hands of my Bookseller, for the purpose of refuting Plowden's infamous insinuation, that the paragraph which I had published, to prove his *breach of faith*, was not written by Dr. M'Dermot, but forged by me!

No—never—never have I consented to the publication of that Letter—never have I provoked by any act of mine, this *profligate* abuse of the sacred liberty of the Press, which I grieve to see sanctioned by *Ecclesiastical* authority in Dublin, "*Permissu Superiorum!*" O fie!—I had not the least suspicion that such respectable men as Gilbert and Hodges, could be induced by hypocritical canting, to entrust any confidential Letter to such *unprincipled* Pettifoggers!

I appeal to that very Letter, in which I inclosed the Doctor's, whether I did not *expressly order*, that they should keep his Letter in their own hands, and, after they had satisfied any respectable inquirer, that I had *quoted fairly*, then they should *return*, or destroy it, or words to that effect. I *solemnly appeal to God* that I

speak the *truth*, and that I inclosed that Letter to them, only to rebut the vile imputation of forgery, and to redeem my plighted faith, as I had promised to do in the English edition of *Columbanus*, No. V. p. 74.

By what very *holy* intrigue, respectable Booksellers have been induced to give the Doctor's Letter into such hands, it will be for them to declare. Certain I am, that those who have thus betrayed them, have infringed the principles of good faith, and that, if they are Clergymen, they have also betrayed the most shameless and unprincipled hypocrisy.

Well indeed may they affect a sanctified horror at Doctor M'Dermot's joke relative to the *Grand Lama!* They forget that a diabolical spirit of revenge domineers in their own hearts; that Christian charity has winged its flight from their whited sepulchres; that they see the straw in their neighbour's eye, whilst the beam of the Pharisee is in their own! Yes—let them indulge in that *Devotee holiness*, which has induced them to draw forth from the obscurity of a *dead language*, and render *common*

property, the expression *egesta!*—That word, even with their bl—g—d *literal* version,* does not too harshly expose *their* notions of an *infallible* Pope, who, *according to their view*, is as absolute as the *Lama!* who is above the Laws of the Christian Church by *plenitude of power*, and *Arbiter* of her Decrees! When

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* The Doctor's expression, in his *private* Letter, which Dr. Plowden has shamelessly published, is—"your attack on "the Pope has offended all such Catholics, and many such "there are, who think him *Infallible*, and that, like the "Grand Lama, *etiam egesta sunt reverenda.*"

The *honest* Attorney avails himself of this Latin Phrase, *translates it literally*, publishes it to gratify his Revenge, and then declaims against the Impiety of the Doctor, for that very Act *which is committed by himself* "*Perstem Superiorum!*" thus grossly bespattering the character of a Physician, whom but a few months before, he had panegyrized with the most fulsome adulation, for the *holy* purpose of exciting a family feud between him and *Columbanus!*

Such alas! is the *Catholic* associate, whom Dr. Troy has selected to fight the battle of *Lama* obedience in Ireland! a rare, but, no doubt, a *canonized* combination!

Connubio jungam Stabili, propriamque dicabo,
Omnes ut tecum meritis pro talibus annos
Exigat, et *pulchra faciat te prole* parentem.

I am sorry to be compelled by such conduct, to be more severe than I wish to be.

applied to *such a view* of the Pope, so disgraceful to the Catholic religion, so hostile to all Constitutional Authority, I must say that the Pope being then, by these horrible doctrines, *impiously* assimilated to the *Grand Lama*, the expression *egesta* is perfectly applicable to that *idolatrous view* of him, perfectly correct.

Do they not *resolve*, in defiance of their oath of allegiance, by which the doctrine of infallibility is renounced *on paper*, that they will deny to Catholic Ireland the benefits of Christianity, unless that infallibility is acknowledged *in practice?** Has not Plowden written a book, so lately as in 1791, to prove that the

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*, Second Resolution of the *private* Synod of Dublin, of Nov. 18, 1812.—" We declare that we will not grant *faculties* " *of any kind* to any Clergyman, who may or shall assert " that our afflicted holy Father is a *Heretic* or a *Schismatic*, or " *the author, or the abettor, of heresy or Schism.*"

Now, I do not say that the present Pope is an abettor of Heresy or of Schism, but I could not *swear* that *he is not*, unless I maintained his *Infallibility*. This Resolution therefore, is a *direct enactment, in practice*, of that *Infallibility*, which we renounce by our oath of Allegiance! and what more does the *Grand Lama* demand? what more need he demand? Give him but *Infallibility*, and he will be able to rule the Universe, as " a living *Idol*, then—God save the King."

t onal infallibility is the genuine
of the Catholic Church? Has he not,
s very last publication, dubbed him, in
ce of the Council of Trent's *absolute*
ual to ad ach uage, the *Supreme*
ernor or *Arbiter* Catholic Church?*
Was not this the identical xpression for which
Lainez, the second gene of the Jesuites, was
compelled to make an ology in that very

* "The Pope demanded in his Letters, which *Visconti* car-
"ried to the Council of Trent, that he should be declared
"*Supreme Governor of the Universal Church.*" He pretended
"to have in favour of this expression the Councils of Lyons and
"of Florence; but yet he consented that it should be *softened*,
"provided the sense of it was preserved, and that, instead
"of using the words—*Bishop of the Universal Church*, the
"council would style him *Governor of all the flock of the Lord*,
"or simply *Governor of the Church of God.*—Finally doubting
"with good reason that this affected moderation would not
"be better received than an open declaration, he con-
"sented to wave the question rather than provoke opposition,
"and that not a word should be said of his power, or of that
"of Bishops, and if notwithstanding this condescension, which
"cost him a great deal, tranquillity was not restored, the
"Legates should prorogue the Session." Pallavicini's Hist.
of the Council of Trent, l. 19, c. 15, n. 3. Cardinal Borromei's
Letter to the Cardinal of Maunta, 24, 27, and 28 January,
1563. Fleury, l. 163, n. 39.

Council, and to eat his own words? He pretended that the Pope's tribunal was of equal authority, and the same as our Saviour's! but he was silenced as having used expressions which equalled mortal man with the immortal God, and were blasphemous and impious.—"*On accusa ce Pere d' avoir dit que le Tribunal* "*du Pape etoit le meme que celui de J. Christ!* "*Proposition Impie, &c.* Il falloit que le Pere "Laynez ignorat que le Pape est ce Serviteur "preposé sur la famille de J.C. non pour y "faire la fonction meme du Pere de famille; "mais seulment pour distribuer a chacun ce "qu' il lui faut, *non pas comme il lui plait,* "mais selon que le Pere de famille l' ordonne." &c. Fleury, l. 164, n. 74.

The Cardinal of Lorraine declared publicly in the same Session, that the French never would receive, under any modification, the expression that "The Pope has authority to "*govern the Universal Church,*" and that if it should be proposed again, *he and* 120 *Prelates* would protest against it, and so the Italians, finding that they could not carry it, thought

it wise to desist. Visconti's Letters, Feb. 1, 1563, p. 7, 9. Fleury, l. 163, n. 38.

And yet this is the species of *idol* Pope, which our Barristers, *Permissu Superiorum* purloiners and publishers of *private Letters* are endeavouring to establish on the necks of Catholic Ireland!

Do they not inform us that he can build up or pull down as he pleases, for *motives in petto*, without assigning a cause, without any regard to the *Laws of the Church*, and much less to the *Laws of the Land!* According to them he could dispense with Dr. Butler of Corke's recantation, and allow him to receive the sacrament in the *public profession of apostasy!* They adhere to Pope Boniface VIIIth's Bull *Unam Sanctam*, where it is declared, as an article of faith, that the Spiritual power is above the Temporal, and is to govern it, as *subordinate jurisdiction!** They adhere to the Bulls *in*

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* This Bull was burned by the Public executioner in Catholic France; but every Bull is to be revered in Ireland as the *Grand Lama's* are in Thibet, because *Blind* submission

Cœna Domini, and *Unigenitus*, and to the late Bulls *Qui Christi Vices*, and *Ecclesia Christi*, of the present Pope, which expressly declare that the Pope's power is *above justice and equity*, and must not be controverted by *the rules of either!* * In *this view of the Pope*, I ask in what would his power differ from the Dey of Algiers's, except that, like the *Grand Lama*, he would exert despotism blasphemously, in the *name of God*, whilst the Dey exerts it only by the *power of the sword*.

There are certain Laws of *invariable* Dicipline, such as that no man be deposed, or excluded from Sacraments, without a canonical sentence, no *public* apostate admitted to Sacraments without *public* retractation, no Letter opened, and much less *published*, without the consent of the writer, or the authority of the State, and yet;

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to Episcopal authority is the grand engine, by which the Ignorant Mob are to prop up the present Irish Episcopal System of *Private* Synods, Censures ad libitum, and *a Grand Lama* power, which sets at defiance the Canons of the Christian Church.

* See these Bulls in Columbanus, No. VI.

these laws we find dispensed with *Permissu Superiorum*, by *Plenitude of power!*

As the publication of private correspondence *permissu superiorum*, is a new mode of warfare, allow me here solemnly to denounce it before the tribunal of my country.

Mr. Burke said, that *the age of chivalry is gone*—Alas! is the age of Episcopal faith gone in like manner? If you look to Plowden's farrago against *Columbanus*, you will find that, after he had *treacherously* published Dr. M'Dermot's Letters, "*Permissu Superiorum*," Dr. Troy was not ashamed to send him a *Letter of mine*, to be printed in *the same way*, without any permission from me! and *that* too in a Postscript to that identical *treacherous* compilation, where, to my utter astonishment, I found it in print, three or four days after I had written it! and so little ashamed were they of this vile transaction, that, in the foolish hope of mortifying me, by shewing me my own Letter in print, at the end of that scurrilous libel, they sent it to my lodgings, addressed, to the *Rev. Dr. O'Conor*, expecting,

as well they might, that the honourable feelings to which you and I have been accustomed from our younger years, would be roused to the highest pitch of indignation by finding myself bound up with such polluted company.

If, instead of thus publishing my Letter so indecorously, and in such disgraceful company as *poddle* Plowden's, Dr. Troy had but condescended to hearken to the opportunity I offered him of an amicable explanation, surely he would not have been less a *Christian* for his charity in shaking hands with a brother Clergyman, nor less a *Gentleman* either, whatever may be the splendour of his origin, however glorious his ancestors may have been in the *field*, or in the *cabinet*, however *eloquent* he may himself be in the pulpit, however *learned* in the closet, however *distinguished* by his literary renown!

Had he but so condescended, most gladly would I assign for a motto to the Arms of the House of Troy that well known verse—

Trojaque nunc staret—Priamique Arx alta maneret.

But our pride blinds us to our interests! It

to exempt ourselves from the re-
of our own consciences, and to forget
that he preaches peace to others, ought to
have charity at home!

I have r n a second *Still-born*;
neither shall I and, or mispend my
time, which is much b employed, in read-
ing, and much less in ering, any *ribaldry*
of his. But I cannot c ude without observ-
ing, that the *Superi Permissu* men, who
sanction by their example and authority, the publication of Letters, without the consent of the writers, may soon find, to their shame and sorrow, that they have set in motion an engine which will overwhelm themselves!

It was well observed by a great Statesman on a late occasion, in the House of Lords, that amongst the *crimes*, with which impartial history will have to reproach the present generation, not one will be found more atrocious, or more directly tending to the subversion of social order, of political virtue, or of the moral sense, and to the utter annihilation of all confi-

dence between man and man, than this abominable abuse of epistolary correspondence, for the gratification either of public faction, or of private revenge. I give the *Permissu Superiorum* men great joy, for their having set in motion an engine so formidable!—Let them look to it.

Mean time, my dear Owen, I shall be mindful of my Grandfather's expression to you and me, when we were children—

"*Mas bocht—mas seibhir—acht be glan go braach—*

Tho' want, with all its ills thy days assail,
Or wealth secure thy errors from a jail,
Or poor, or rich, or strong, or weak thou be,
Remember this to all eternity—
Truth's Polar star for ever in thy view,
With steady course Religion's path pursue.

Proud of the open, manly, conduct I have always pursued in public and in private life, certain that, with the help of the Supreme Being, I shall ever conduct myself so as to merit the approbation of our family, and of every honest and honourable man;—disdaining to play a double part, unworthy of you and me, I shall ever hold myself far above the reach of such

Scribblers, who are equally contemptible whether you consider their moral character or their style—The oak of the forest cannot bend down to the weed that rots under it; the fiery charger who snorts defiance in the battle, as well as the courser under whose hoofs the earth appears to fly at the Olympic Games, must yet tolerate the braying of the jack-ass, though he may disdain to feed with him from the same stall; but if the Irish wolf-dog forbears to attack the cur that snarls, it is only because he feels his own superiority. The Lion, though perhaps the most terrible and undaunted of all animals, is provoked to cruelty only by necessity; his anger is noble, his courage is magnanimous, and his natural ferocity is seldom exerted in the prosecution of revenge.—Let the Permissu Superiorum Men enjoy the mean advantages they may derive from *Profligacy* of principle, but let them also enjoy the *very pleasing* recollection that they have provoked me to retaliate, by opening their private Letters to the Public!

Hitherto the civilized world had agreed,

that hostility, even the most inveterate, must be conducted with some regard to the interests of society; that those are the worst enemies of mankind who pursue even their *interests*, but much more their *rancor*, by means which would destroy all confidence, and fill the world with implacable malignity; that to relate all the ill that is true even of the best of Men, would render the very best objects of suspicion; and then the endearments and the advantages of familiar intercourse would be all at an end, for there will be imperfections even in the best of us. Perish the diabolical malevolence which, to gratify the horrible Fiend of envy, would thus assassinate society, by divulging the secrets of domestic life!—Exalted and generous minds are, of all others, those whom knowledge cannot make sufficiently vigilant, or sagacity sufficiently distrustful against the poinard of assassination! and if we are to consider ourselves as surrounded by secret foes, who lie in wait to entrap us, if we must fear to intrust a letter to a servant, lest he read it, or a secret to a friend

lest he divulge it, and publish it, surely life is not worth the possessing on such terms:—the wilds of America would then be preferable to the boasted hospitable shores of our native land!

But it is impossible that our country suffer itself to be polluted by this Theological barbarity. The vile maxims of the *Rinuccini* school, now revived in Ireland, are too clearly developed in *Columbanus No. VI*, and the Irish are too clear-sighted to be imposed upon by the monstrous absurdity of the word *egesta*, translated *literally*, for the purpose of imposing a belief that Dr. M'Dermot meant to say, "that the Irish would adore the Pope's....."

Vile impostor! He who endeavours so to mislead, only betrays his ignorance of the character of Irishmen, when he fancies that they can resign their understandings to such gross scurrility, united with such a clumsy attempt to disguise it by an affectation of religion! The absurdity is monstrous, it could not succeed even under the stultifying influence of the torrid zone! Most evidently, those who deem

it lawful to *publish* private Letters, *Permissu Superiorum*, would not boggle at opening private Letters, *a fortiori*, by the same authority; for of the two crimes the *publishing* is the worst, and the most fatal in its consequences. I should rather keep company with a hangman, than with him who is capable of justifying such a crime by Episcopal authority! The hangman is infamous only by his *office*; but such men are infamous by their *principles*, and these principles are the *egesta* to which Dr. M'Dermot most properly alludes. They may gratify their malice, but they will destroy their peace of mind. Avoided by good men, they will be watched, as lurking assassins, even by their own associates; Pagans themselves would have shuddered at such morality as theirs.

" Arcanum neque tu scrutaberis ullius unquam."

In such a species of warfare to retaliate is mercy, and *retaliate* I will.—For such hypocritical enemies of social order, masked by an affectation of religion, and encouraged and countenanced by a Permissu Superiorum, no punishment can be too severe; and I shall

endeavour to procure all the kindness I have ever experienced from you, by inflicting on it, wherever I can, the most severe and the most exemplary castigation. I say *wherever I can*, because no provocation shall induce me to violate the principles of public decency, or of Christian morals, as they are now violated, *Permissu Superiorum*, in our native country.

Sed mihi vel tellus optem prius ima dehiscat,
Vel Pater omnipotens adigat me fulmine ad umbras,
Pallentes umbras Erebi, noctemque profundam,
Ante Pudor, quam te violo, aut tua jura resolvo.

Ever most affectionately,

Your grateful brother,

And faithful friend,

C. O'CONOR.

Buckingham,
April 24, 1813.

FINIS.

T. Seeley, Printer, Buckingham.

THE

ORIGIN

OF

ORANGEMEN,

COMPLETELY REFUTING

ALL THE UNFOUNDED AND MALICIOUS REPORTS

SO STUDIOUSLY CIRCULATED

RESPECTING THAT EXCELLENT ASSOCIATION:

WITH OTHER

EXTRACTS

FROM SIR RICHARD MUSGRAVE's

Memoirs of the Rebellions in Ireland;

CASTING A LIGHT UPON

THE *REAL* OBJECT OF THE PAPISTS

IN AIMING AT POLITICAL POWER.

By the Rev. JOHN WILLIAM BUTT, A. B.

OF SIDNEY SUSSEX COLLEGE,

AND CURATE OF SOHAM, IN THE COUNTY OF CAMBRIDGE.

"Let them beware lest unwarily they may be led,
"To dress the ugly form
"Of base and bloody Insurrection
"With their fair honours."

Cambridge,

PRINTED BY JAMES HODSON.

SOLD BY J. DEIGHTON AND SONS, CAMBRIDGE; HATCHARD, PICCADILLY, LONDON; PARKER, OXFORD; AND ROOF, STAMFORD.

1813.

226. i. 169. (11)

PREFACE.

E the glorious æra of the Revolution, the true
of the British Constitution have never suffered
nxiety than during the late important discus-
involving the vital interests of their country.
the plausible cover of *liberality*, the Protestant
shment has been attacked, and an attempt made,
the specious name of *conciliation*, to restore
to the Papists, by means of which, in the course
e, the Church of Rome may possibly regain that
lancy from which this kingdom so long and so
ly suffered.—And this attack, this attempt (I can
nothing else) to undermine the Church establish-
as been made by men, who avow themselves to
ent admirers and firm supporters of the Consti-
Now, so intimately connected and interwoven
ach other are Church and State in the British
tution, that an attack cannot be made upon the
ithout endangering the other. The subversion
Church establishment must inevitably cause a
volution in the State. The professions, then,
e *Liberalists*, of these *Concessionists*, must be

hollow and insincere. Inseparable as Church and State are in our glorious Constitution, he who covertly strives to subvert the one, *however loud and vehement his professions are to the contrary*, cannot but be hostile to the other.

Arrived at a pitch of glory unequalled in the annals of history, and having nothing to fear from foreign foes, how much has this kingdom to dread from domestic enemies! What dreadful evils may arise from concession, God only knows; the least that strikes me, is the entire separation of Ireland from Great Britain, and the total extirpation of Protestants in that island.

The *liberal* and *enlightened* friends of the Papists may argue, that since the reign of Mary, Papists are become quite a different set of beings, that they are meek, merciful, and charitable, and that the entire repeal of all penal statutes will bind in still closer bonds of brotherly love the Papist and his Protestant neighbour. How far this is from the truth, experience has too fatally proved. Outrage followed concession, and the Papists at length united in a rebellious mass to overthrow that government, under which they enjoyed all the liberty and every freedom that could be allowed with safety to the Protestant establishment.

During the rebellion of 1798, and those preceding it, every attempt was made to poison the minds of the Papists against the Protestants, by assuring them that the latter had associated themselves under the title of *Orangemen*, for the destruction of all of the Popish

persuasion. This idea was particularly impressed upon them by their *priests*, and had the desired effect of rousing into activity the hatred which Papists are *always* known to bear towards Protestants: this method is *still* pursued, and the Orange Lodges are most cordially abused by all the supporters of the claims of the Papists. *That* PROTESTANT ASSOCIATIONS *for the defence of* PROTESTANTISM, *should be abused by* PROTESTANTS, *is surprising*; *but that they should be abused by members of the* ROYAL FAMILY* *whose* PROTESTANT *principles fixed them upon the throne of these realms, is still more surprising.* The leading article in the following extracts, giving a faithful and correct account of the "Origin of the Orangemen," and of their principles, will effectually refute all the abominable falsehoods and malicious insinuations, which have been so *carefully* and so widely circulated.

A member of the House of Commons (Sir H. Parnell) has argued that the old Romish Catechisms are obsolete,—that the decrees of general councils are no longer binding,—and that the rebellion of 1798 was not a Popish rebellion.

Now the Church of Rome is "semper eadem"—its doctrines are unchangeable, and the Council of Con-

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* At a dinner of the advocates of the Catholicks, the Duke of Sussex stigmatized the establishment of Orange Lodges, "which, if formed, would be as dangerous to the country as could exist, *if not absolutely treasonable.*"

[redacted] is most fully recognised by the [redacted] Maynooth, and this is the council which decreed that "*faith is not to be kept with heretics!*" "It is well known," says a learned Divine,* of the seventeenth century, "how many there are in the Church of Rome, who do affirm that it is not needful to discharge a promise to a heretick; and all are hereticks, in their account, who make profession of Christianity, and who do not communicate with their church. We know there was a safe conduct promised to *John Hus* and *Jerome of Prague*, to the Council of Constance, and how that promise was performed. The promise was broken, and the men burnt; and so indeed they justified their doctrine by their practice." Thus in the rebellion in 1798, immense numbers of Papists took the oath of allegiance, and surrendered arms to the magistrates; and in less than a week were in an open state of insurrection. And the horrid massacres at Scullabogue, Vinegar-hill, and Wexford Bridge, clearly proved that they were as merciless and blood-thirsty as the Papists in 1554.†—However, the abilities, the arguments, and the eloquence of the friends of

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* Dr. Outram, Prebendary of Westminster.

† The following horrid oath was taken by all the rebels, and is now called the "bloody oath," but in most places the "black oath." —"I. *A. B.* do solemnly swear by our Lord Jesus Christ, who "suffered for us on the cross, and by the Blessed Virgin Mary, "that I will burn, destroy, and murder all hereticks, up to my knees "in blood. So help me God."

ancipation have been exerted in vain, and the nstitution is safe, for a time at least: but as the defatigable Mr. Grattan* has given notice, that he ends to renew the attack early in the next session of rliament, let not the friends of the Establishment k into a state of inactivity; let them with increased al rally round the standard of religion, and more nly resolve, though at the expence of every thing ar to them, to preserve inviolate those sacred bless- gs which our ancestors purchased with their blood. Should, however, the majority of the House of mmons, deaf to the petitions and blind to the erests of their countrymen, finally decide in favour the claims of the Papists, even should the Bill, at a ure period, pass the upper House; I cannot help ling and expressing a sanguine hope, that the

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* In the year 1795, upon "Lord Fitzwilliam's being appointed d-Lieutenant of Ireland, the Romanists were buoyed up with hope of being admitted to equal privileges with the Protestants, it was universally believed, and the contrary has never been ed, that Mr. GRATTAN was the person who filled the Catholicks these vain hopes, with a view of acquiring popularity, or from e other secret motive.—It was generally thought that he reasoned :—If the Roman Catholicks of Ireland, the majority of its bitants, who have been ready on all occasions to join any foreign gainst the interests of the Protestant Empire of Great Britain, come forward in a body, and ask for an equal participation of liberty and political power with the Protestants, *in a style of dy and menacing solicitation*, at a time that both Great Britain Ireland are threatened by a barbarous enemy, the English Ministry grant from *intimidation*, what their policy and prudence might hold."—*Mem. of Reb. in Ireland, Vol. I. p.* 161.

Regent, copying the bright example of his excellent, but afflicted Father, will firmly and resolutely refuse to give the Royal Sanction to a proceeding so replete with evil and so pregnant with misery.

IGIN OF THE ORANGEMEN.

e defenders not only became terrifick to individuals, parts of Ireland, by the constant perpetration of noc- obbery and assassination; as they formed a systematick tion, and supplied themselves with arms, for the purpose of subverting the constitution in church and and as they were encouraged and directed by the k committee, and the united Irishmen, the Protestants stablished church, to defeat their malignant designs, necessary to excite and cherish a spirit of loyalty, egan to languish and decline in a very alarming degree, ally round the altar and the throne, which were in t danger.

battle of the Diamond, in the county of Armagh, in th of September, 1795, and the duplicity and treachery omanists, on that occasion, convinced the Protestants y would become an easy prey to their enemies, from city of their numbers, unless they associated for their ; particularly, as the fanatical vengeance which they d on that and other occasions, convinced the members stablished church, that they meditated nothing less than al extirpation.

mmemoration of that victory, the first Orange Lodge ned in the county of Armagh, on the 21st of September, ough the name of Orangeman existed some time before. ere merely a society of loyal Protestants, associated nd together, solely for the purpose of maintaining and g the constitution in church and state, as established

by the Prince of Orange, at the glorious Revolution, which they regarded as a solemn and sacred duty. It conferr distinguished credit on its members, that they united and stood forward for this truly-patriotick purpose, unsupported and unprotected by the great and the powerful, to whom their motives were misrepresented by traitors, who knew that the institution would form a firm barrier against their nefarious machinations.

I have universally observed, that the disaffected who arraigned with the utmost severity the Orange societies, never uttered any censure on the committees of assassination,* to which so many loyal men fell a sacrifice.

Plutarch, in his life of Solon, tells us, that he procured a law to be passed at Athens, by which any person should be branded as infamous that remained neuter when any disturbance or commotion took place, which endangered the existence of the state. Should not, on the same principle, those who assisted in opposing the rebellious designs of the defenders and the united Irishmen, be deemed disloyal, or even traitors?

The lower class of Protestants of the established church, actuated by an invincible attachment to their King and country, stood forward at this perilous crisis, in the spirited defence of both, and avowed their unalterable determination to stand or fall with them.

As they encreased, a spirit of loyalty encreased with them, and strength and confidence succeeded to the place of supineness and despondency, in the breasts of loyal men. Supported by a consciousness of the goodness of their cause, and by the protection of Providence, they persevered through every difficulty in their generous resolution; rapidly encreased in numbers, and became an irresistible obstacle, wherever the institution got a footing, to the progress of the seditious societies. Lest its numbers, roused by wanton and unprovoked outrages, might have been stimulated to retaliate, and from

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* Committees of Assassination sat in almost every parish—and it very rarely happened that any Protestant, condemned by them, escaped.

retaliation to commit any excesses, gentlemen highly respectable, not only by birth and fortune, but by moral excellence, put themselves at its head, to regulate its motions; whose characters were alone sufficient to refute the many falsehoods and calumnies uttered against the institution.* As a farther refutation of them, they published the following declaration of their principles in the newspapers, which will convince the reader of the purity of their intentions.

"*To the loyal subjects of Ireland.*

"From the various attempts that have been made to poison the public mind, and slander those who have had the spirit to adhere to their King and constitution, and to maintain the laws:

"We, the Protestants of Dublin, assuming the name of Orangemen, feel ourselves called upon, not to vindicate our principles, for we know that our honour and loyalty bid defiance to the shafts of malevolence and disaffection, but openly to avow those principles, and declare to the world the objects of our institution.

"We have long observed with indignation the efforts that have been made to foment rebellion in this kingdom by the seditious, who have formed themselves into societies, under the specious name of United Irishmen.

"We have seen with pain the lower orders of our fellow-subjects forced or seduced from their allegiance, by the threats and machinations of traitors.

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* The leaders of the Rebellion successfully practised this device, to inflame the Romanists against their Protestant fellow-subjects, *videlicet*, that they were united in clubs, as Orangemen; and that they had bound themselves by oath, not to remit their exertions for the extirpation of Papists, until they walked knee-deep in their blood; and such fictions were implicitly believed, not only by the credulous multitude, but by persons of wealth and education, though no societies of Orangemen had then existed in that county. It was discovered that such reports were propagated by the Popish Clergy of Youghall, and its vicinity, where they were extremely active.—*Sir R. Musgrave's Memoirs. Vol. 2. p. 275.*

[redacted]

"We, therefore, thought it right [redacted] the constitution, and [redacted] to maintain the laws, and support our gracious King [redacted] whether rebels to their God, or traitors to their country; [redacted] doing, shew to the world that there is a body of men in the island, who are ready, in the hour of danger, to stand forward in defence of that grand palladium of our liberties, the constitution of Great Britain and Ireland, established [redacted] by the courage and loyalty of our ancestors, under the great King William, [redacted]

"Fellow-subjects, we are attached [redacted] founded on principles too elevating to be [redacted] than by oaths at which human nature would shudder; [redacted] caution you not to be led away by such [redacted] for we solemnly assure you, in the presence of the Almighty God, that the idea of injuring any one on account of his religious opinion, never entered into our hearts; we regard every loyal subject as our friend, be his religion what it may. We have no enmity but to *the enemies of our country*.

"We further declare, that we are ready at all times to submit ourselves to the orders of those in authority under his Majesty, and that we will chearfully undertake any duty which they shall think proper to point out for us, in case either a foreign enemy shall dare to invade our coasts, or that a domestic foe shall presume to raise the standard of rebellion in the land. To these principles we are pledged, and in support of them we are ready to shed the last drop of our blood."

The members of the Orange institution being thus instrumental in uniformly resisting the progress, and contributing to defeat the revolutionary designs of confederated traitors, became of course objects of their most pointed and vindictive resentment. Every means were used to traduce and vilify them. The nature of their association was misrepresented, and oaths

ch they abhorred, were fabricated and imposed upon the
lick, as the obligations of Orangemen.
With equal virulence, and from the same motives, the
blishment of the militia and the formation of the yeo-
ry were opposed by them.
he following circumstance unquestionably proves that the
tution was perfectly defensive. It never was introduced
any country or district, till it had been some years dis-
ed or desolated by the defenders or united Irishmen.
was not established in the metropolis, though many years
atened with open rebellion, till the month of January, 1798,
many gentlemen of high character and considerable talents
ed themselves at its head, to give the institution a proper
ction; and to silence the calumnious clamours of traitors
nst it.
is well known that the Revolution in England could not
been effected, if combinations of persons attached to the
titution had not been made for its accomplishment, and it
iversally acknowledged, that it could not have been main-
d against the many conspiracies formed for the restoration
King James, but by the same means.
s the Jacobites vilified and maligned those associations from
ame motives that the disaffected did the Orangemen, the
se of Commons of England resolved in the year 1695,—
hat whoever should affirm an association was illegal, should
eemed a promoter of the designs of King James, and an
my to the laws and liberties of the kingdom."
rom the year 1792, to the year 1797, the county of
nagban had been disturbed by the defenders, who at that
became terrifick by the aid and co-operation of the united
men. In the beginning of that year, the loyal subjects,
ned for their safety, began to form Orange clubs, against
combination of traitors, who were constantly committing
rnal robbery and assassination; but some of the leading
lemen of the county opposed the institution. In conse-
ce of this, the disaffected disseminated their doctrines so
dly, and with so much success, that many loyal subjects

[redacted]

I have been assured by a very respectable gentleman of the county of Tyrone, that its inhabitants were so much intimidated by anonymous threatening letters, [redacted] committed there, that in the barony of Clogher, containing ten thousand people, the whole of them, except about six or eight persons, were sworn; but the loyal subjects having entered into the Orange societies, and having gained courage and confidence by their united strength, renounced with indignation these traitorous combinations, invigorated the arm of the civil magistrate, and completely checked the progress of treason. The Hon. General Knox, a gentleman whose sagacity is not inferior to his courage and military skill, which he has displayed in Europe, Asia, and America, commanded at Dungannon, in the summer of 1798, and he assured Government that the institution of Orange lodges was of infinite use, and that he would rest the safety of the north on the fidelity of the Orangemen, who were enrolled in the yeomanry corps.

I think it right to mention that the Orange association should not be confounded, as it has often invidiously been, with the mutual and disgraceful outrages which prevailed in the county of Armagh, many years preceding, between the lowest class of Presbyterians, under the denomination of "Peep-of-day boys," and the Roman Catholicks, as "defenders;" for it was not instituted till the defenders manifested their hostile designs against

Protestants of every description, in most parts of the kingdom. In the month of May, 1797, a numerous body of delegates from the several Orange lodges in the province of Ulster, waited on Holt Waring, Esq. of Waring's-town, near Banbridge, and authorized him, in their name, to address General Nugent, then commanding at Lisburn, and to inform him, that, should an insurrection or an invasion take place, they would assemble to the number of twenty thousand, at four days notice, and march under his command to any part of Ireland, where their services might be required. The General gave them a most gracious answer, saying, that he thought himself highly honoured by such an offer; but that he trusted, the loyal spirit which they manifested would prevent any insurrection; and that he hoped, we should soon sit down in peace, with this pleasing reflection, that the Orangemen have been true to their professions, notwithstanding the false insinuations of the disaffected to the contrary, and their artifices to seduce them from their duty.

In the year 1798, the 12th of July, 1691, was celebrated by a general procession of Orangemen, at Lurgan, which from their numbers, consisting of between fifteen and twenty thousand, continued for more than three hours and a half. Generals Lake and Nugent attended there to view them, and expressed their astonishment at their numbers. This procession, in which there were eighty-nine stands of colours, with many elegant devices, was carried on in a most peaceful manner, without the smallest irregularity. On the same day General Lake reviewed a numerous body of Orangemen, near Belfast.

Borlase tells us, that in the year 1641 the lords justices invited the Roman Catholick lords and gentlemen of the Pale to come to Dublin and assist them in preventing strife or sedition, but they refused, under a pretext that every person of their order was to be massacred, which was done merely to alarm the lower class of Roman Catholicks, and inspire them with vengeance against the Protestants, and for the same reason the disaffected asserted, in the years 1797 and 1798, that all persons of that order were to be murdered by Orangemen.

James Beaghan,* executed on Vinegar Hill, the 24th of June, 1799, for various murders, which he said he was instigated by Popish priests to commit, confessed, that "every man that was a Protestant was called an Orangeman, and every one was to be killed, from the poorest man in the country. They thought it no more sin to kill a Protestant than a dog."

As soon as the massacres perpetrated at Vinegar Hill and Scullabogue, were known in the north, numbers of Presbyterians, of whom some had been disaffected and others lukewarm, in the counties of Armagh, Tyrone, Fermanagh, and Donegal, trembling for their safety, became Orangemen. And General Knox, depending on their zeal and sincerity, embodied them, and procured arms for them from Government.

In the year 1792, when the dissemination of treason and the formation of seditious clubs in London threatened the immediate destruction of the constitution, Mr. Reeves, by seasonably encouraging loyal societies, checked the progress and the baneful effects of their doctrines. *The institution of Orangemen did not differ from them in the smallest degree.* I give the following extracts from Harris's Life of King William, to shew that the Irish Roman Catholicks, in the year 1689, propagated reports of the malevolent designs of the Protestants towards their

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* The day but one before his execution, two Popish priests went to visit him, and upon their entering his cell, he exclaimed against them in these words:—"Begone from me, you accursed, who have been the cause of my eternal damnation; for were it not for you, I never would have been guilty of murder." Having so said, he turned from them, and requested that they might be put out.—He then sent for Captain Boyd, and concluded his confession with these striking words.—"Now, gentlemen, remember what I tell you: If you and the Protestants are ever in the power of the Catholicks again, as they are now in yours, *they will not leave one of you alive*; you will all go smack smooth; even those who campaigned with them, if things had gone well with them, would in the end have been killed. I have heard them say so many times."—*Mem. of Reb. in Ireland. Vol. 2. p.* 354, 5.

milar to those which were set on foot of the Orangemen, the same purpose.

e mean time, the Irish Papists throughout the king- ceeded in impeaching the Protestants of traitorous de- out their plots were so ridiculously contrived, and p of such palpable contradictions and incongruities, y served only to demonstrate the innocence of the and inveteracy of the informers. These impeach- iling of the intent, they applied themselves to other many turned tories and highwaymen, house-breakers, lers of cattle, and were guilty of so many enormities to lish, that thousands were forced to desert the kingdom s into England, under as great fears and jealousies as if ad been an open rebellion, and five hundred together rted themselves to the English foreign plantations.

Irish pretended, that the Protestants assembled in great s in the night-time. And to gain the more credit, the Irish were instructed to forsake their houses and to hide ight in the bogs, pretending a fear that the English n that dead season cut their throats; a practice as noto- nong *them*, as unheard of among *Protestants*; and for here neither was, no could be, the least foundation, for finitely superior numbers to the English, in some parts lred families to one, shewed how ridiculous the inven- s; and they were convinced, both by the practice of testants and the principles of their religion, that they t men of blood. Whoever considers the genius of the d and Romish churches in this particular, must needs ledge a strange opposition between them. However, hat malice and injustice soever the English were repre- s night-walkers with design of murdering the Irish, yet ations of those charges were taken by justices of the calculated for the purpose, and transmitted to the lords and council; upon which, by the King's directions, a nation was issued, forbidding all night meetings, though ls justices well knew there was no such practice."

From this account of the "Origin of Orangemen," the *candid* and *unprejudiced* reader will perceive that they merit the highest praise;—and that it is, probably, owing to their association and firm opposition to the traitorous designs of the Papists, that Ireland is not at this moment a province of France. —Associations for the defence of the Constitution can never be injurious; and it is to be hoped, that, in spite of slander, falsehood, and abuse, Protestants *will* unite, firmly unite, to resist every attempt of their *wily enemies* to undermine the Establishment.

OBSERVATIONS

ON THE

Emancipation of the Catholicks.

VERY person, endued with moral sentiment and real triotism, must lament at seeing the kingdom of Ireland the ey of anarchy and the sport of fanaticism, from the reign Queen Elizabeth to the present period; and on perusing se pages, he must perceive that its inhabitants cannot be sceptible of any material improvement in morals and in lustry, until the blessings of the Reformation are more exten-ely diffused among them than it is at present. I shall refer reader to the page of history for the truth of what I assert; d an impartial review of the events of the last twenty years ll alone be sufficient to give him the fullest conviction of s.

During that space every expedient, which a humane and perous policy could dictate, has been tried to soothe and ay the discontent of the Roman Catholicks, but in vain; for ery attempt to conciliate has only operated as provocation; ncession has encouraged clamour, aggression, and outrage; d a dreadful conspiracy, formed and matured in the very som of indulgence, for the destruction of the empire, at last ploded in a most destructive rebellion.

The rebellions in the 16th and 17th centuries arose from pure aticism, and before any material restrictions were imposed the Roman Catholicks; the last in the year 1798, when the ole of them with very few exceptions had been repealed. e gross ignorance of the leading men in both Houses of the perial Parliament on this point, and their perseverance in or, should awaken the suspicion, rouse the vigilance, and rm the fears of every member of the Established Church in

the empire. It is not what is *erroneously* and *ridiculously called Emancipation*, that is the main object of the Irish Roman Catholicks want: * IT IS THE EXTIRPATION OR EXPULSION OF THE PROTESTANTS, THE EXCLUSIVE OCCUPATION OF THE ISLAND FOR THEMSELVES, AND ITS SEPARATION FROM ENGLAND, which they have aimed at from the beginning of Elizabeth's reign to the late rebellion; and which the rebels unequivocally announced, whenever they spoke their real sentiments without fear or restraint. In the year 1793, when the best of Kings and his Cabinet were grossly deceived, and advised to recommend a measure which produced the late rebellion, and shook the pillars of his throne, the Earl of Clare, when it was discussed in the House of Lords, declared, that if the Irish Roman Catholicks were indulged in their wild and extravagant notions of Emancipation and Reform of Parliament, England would have to win Ireland again with the sword; and the dreadful event which occurred in the year 1798, proved that he spoke prophetic truth.

It is the most egregious folly to expect, that any favours, how great soever, conferred on the Irish Roman Catholicks, will make any alteration in the disposition of the mass of them towards a Protestant State, for their bigotry and virulence flow from a perennial and inexhaustible source, the Romish councils, the Pope's bulls, and epistles,

> Like the Pontick Sea,
> Whose icy current and compulsive course
> Ne'er feels retiring ebb.

I must repeat again, that in making this assertion, I allude only to the lowest order of the people,† whose minds are per-

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* It is well known, that the Irish Roman Catholicks have more civil liberty, than the most favoured subjects of any State in Europe except England, and much *more* than the *Protestant* subjects of any *Roman* Catholick State.

† It should be recollected, however, that many Roman Catholicks, opulent in their circumstances and of the best education, were not only implicated in the Rebellion, but displayed that sanguinary spirit, by which the common herd of Papists were actuated.

verted by bigotry, for great numbers of the Roman Catholicks are as charitable, as generous, and humane, and feel as great abhorrence of the atrocities committed during the late rebellion, as any other portion of his Majesty's subjects; but the mass of the people, in a State, are like the life-blood of the human body, which, if impure, will produce convulsions and various other disorders.

I believe no wise Statesman will deny, that the moral and political principles of men are an emanation from, and are modified by, their religion. This is more particularly the case in Ireland, as a foreign Prince, whom the Irish Romanists consider as the Head of their Church, has always maintained that his sectaries cannot bear any civil allegiance to a Protestant State. This doctrine has been insisted on in modern times by some eminent Romish Divines, and it was carried into practice in a most alarming manner during the late rebellion.

I will seriously ask the Roman Catholick nobility and gentry, whether it would in the smallest degree tend to meliorate the morals of the Popish multitude, to give them a full participation of the English Constitution. I am persuaded that those whose minds are not clouded with prejudice or perverted by bigotry, will answer in the negative; and that every rational person of their order will admit, that any attempt to improve the mass of the people in their morals and industry, will be fruitless, till they have experienced the advantages of the reformation.*

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* It will be in vain to attempt the conversion of such of the natives as have arrived to maturity, as they oppose it "in limine;" for their prejudices are inveterate and deep rooted in fanaticism.—But "Train up a Child in the way he should go, and when he is old he will not depart from it." For this purpose Charter schools are established throughout Ireland for the education of Popish Children in the principles of the Established Church, and as they are apprenticed out at the expense of the Institutions, their parents are eager to send them. Instances of their relapsing into the errors of Popery, when they go out into the world, are very rare. From this it appears, that the gradual conversion of the Popish population of Ireland is not only possible, but easy.

In fact, the more attentively the subject is considered, the more evident it appears that, in a Protestant State, Papists cannot, with safety to the Constitution, be admitted to a share of political power. Concession has been tried, and instead (as might be expected) of gaining the affections of the Papists, has roused the slumbering traitor into a state of active rebellion.

If ever (which God forbid) they should regain the ascendancy in these realms, would they allow Protestants equal privileges with themselves?—Would *they* admit of a Popish Lord Chancellor, and a Protestant First Lord of the Treasury?—Never, never, would they rest until they had accomplished the total expulsion or extirpation of HERETICS.

Circular Letter of Protestants of Dublin.

In the year 1792, Edward Byrne, by order of the General Committee, issued writs to every county and many towns and districts, desiring certain persons therein to hold Elections and to choose Representatives, who were to be returned forthwith to Dublin, for the purpose of forming a Convention.

Alarmed at this proceeding, the Protestant inhabitants of Dublin assembled on the eleventh day of September, 1792, and justly considering all farther concession to the Papists as inconsistent with the safety of the Protestant establishment, resolved to circulate the following excellent and spirited letter:—From the petition to Parliament, during the present Session, from the same quarter, it will be seen that the Protestants of Dublin have had no reason to depart from the opinion expressed by them in 1792.

"COUNTRYMEN AND FRIENDS!

"The firm and manly support which we received from you when we stood forward in defence of the Protestant ascendancy, deserves our warmest thanks. We hoped that the sense of the Protestants of Ireland declared upon that occasion, would have convinced our Roman Catholick fellow-subjects, that the pursuit of political power was, for them, a vain pursuit. For though the liberal and enlightened mind of the Protestant receives pleasure in seeing the Catholick exercise

is religion with freedom, enjoy his property in security, and ɔssess the highest degree of personal liberty, yet experience as taught us, that without the ruin of the Protestant establish-ent, the Catholick cannot be allowed the smallest influence in ıe State.

" For more than ten years the press has teemed with various ritings, intended to prove that Roman Catholicks have an ıual claim with Protestants to a participation in the exercise of olitical power in this kingdom; that such a participation ould not be injurious to Protestants; that prejudice only revents Protestants from conceding this claim; and to com-lete the work, a letter has lately appeared, signed " Edward yrne," in which the Roman Catholicks are instructed to roceed upon the plan of the French democracy, to elect a epresentation of their own, to which, said Byrne insinuates, at " the Protestants must bend, as he has assurance from the ghest authority." In answer to these charges and these aims, we shall, in a few lines, briefly state the case of the rotestants and Roman Catholicks of Ireland; in doing hich, we shall not endeavour to add to our language any her ornament than the beautiful simplicity of truth.

" One hundred years are just elapsed since the question was ied upon an appeal to heaven—whether this country should ecome a Popish kingdom, governed by an arbitrary and un-nstitutional Popish tyrant, and dependant upon France, or ıjoy the blessings of a free Protestant government—a Pro-stant monarchy, limited by the Constitution, and an intimate nnection with the free Empire of Britain? The great Ruler ' all things decided in favour of our ancestors! he gave them ctory, and Ireland became a Protestant nation, enjoying a ritish Constitution.

" But the conflict had been neither short nor trivial; and so any and so great were the efforts made by the Roman Ca-olicks in support of their Popish King and French con-ctions, that our ancestors were obliged, in their own defence, deprive them of all political power, which they did by vere, but necessary restrictive laws.

" Time draws the veil of oblivion over the virtues, as well as

the facts, of men?—during the period of your this fair enjoyment, the causes which induced the unconstitutional acts have been almost forgotten, while the generous Protestant now unites his Roman Catholick fellow-subject labouring under restrictions which, from his peaceable demeanour then, appeared no longer necessary; and he could scarcely refrain from charging his ancestors with too much severity.—Session after Session the restrictive laws were rapidly repealed, and the last Session of Parliament left the Roman Catholicks in no other different from their Protestant fellow-subjects—save only in the exercise *of political power.*

"But be it remembered, that from the moment the Protestant began to make concessions, the Roman Catholick began to extend his claims; at first a very little would have satisfied him —that little, and much more, was granted; more still was claimed, and when every thing consistent with Protestant safety was conceded, instead of grateful acknowledgments and declarations of satisfaction, our ears have been stunned with exclamations of discontent, the ravings of political clubs, and the declamations of State reformers. But we hope that the great body of the Roman Catholicks are yet free from the influence of that dangerous spirit which has pervaded the clubs in this city. We hope they will reject Mr. Byrne's counsel, and be grateful for the indulgences they have received from Protestants. To delude them from their tranquillity, they are told by Byrne, that he has "the first authority for asserting "this application will have infinite weight with our gracious "Sovereign, and with Parliament, if our friends are qualified "to declare that it is the universal wish of every Catholick in "the nation."—But we trust it is unfounded; were it otherwise, we tell them that the Protestants of Ireland would not be compelled, by any authority whatever, to abandon that political situation which their forefathers won with their swords, and which is therefore their birth-right; or to surrender their religion at the foot-stool of Popery. Every Irish Protestant has an interest in the government of this kingdom; he is born a member of the State, and with a capacity of filling its offices; this capacity he derives from that constitution which his ances-

tors acquired, when they overthrew the Popish tyrant—it is guaranteed by that constitution—it is secured by the law, he is in possession of it, and we know of no power under heaven authorized to alienate this, our most valuable inheritance.

Having thus, Countrymen and Friends, spoken to you our sentiments in the undisguised language of truth, we shall entreat you to join with us in using every honest means of persuading the Roman Catholicks to rest content with

The most perfect toleration of their religion,
The fullest security of their property, and
The most compleat personal liberty——

but by no means now, or hereafter, to attempt any interference in the government of the kingdom, as such interference would be incompatible with the Protestant ascendancy, which we have resolved *with our lives and fortunes to maintain.*

" And that no doubt may remain of what we understand by the words " Protestant ascendancy," we have further resolved that we consider the Protestant ascendancy to consist in

A Protestant King of Ireland,
A Protestant Parliament,
A Protestant Hierarchy,
Protestant Electors, and Government,
The Benches of Justice,
The Army and the Revenue,
Through all their Branches and Details,
Protestant:
And this System supported by a connection with
The Protestant realm of Britain."

MASSACRE ON VINEGAR-HILL.*

THE Rebels committed such Protestants as were not fortunate enough to retreat to Wexford with the Loyalists, or to escape into the woods, to a prison on Vinegar-Hill, formed by the walls of an old windmill; and then proceeded to try them by a court-martial, which sat constantly for that purpose.† The only charge against them was their being Orangemen, which was synonimous with Protestants. On the morning of Tuesday, the 29th of May, they put to death twenty-four persons of the established church, by shooting some, and piking others, in front of the rebel line; of whom one was Mr. Henry Hatton, port-rieve of the town of Enniscorthy, an innocent, unoffending gentleman. They burned the glebe-house of Enniscorthy to ashes, but converted the out-offices into stores, for holding provisions and arms for the camp.

A committee of twelve, consisting of some rebel officers and three priests, viz. fathers Roche, Kearns, and Clinch, and at times, Father John Murphy, continued constantly to sit, and to superintend and regulate the concerns of the camp, and the newly established republick. When the business of the day was over they dined together at a table regularly furnished

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* A mountain twelve miles from Wexford.

† In a confession of faith, found in the box of a priest, at Gorey, were the following articles:—"We are not to keep our oaths with Heretics." "We are not to believe their oaths, for their *principles are damnation.*" "We are bound to drive heretics out of the land, with fire, sword, faggot and confusion."

vith the best viands which the country could afford, and with lelicious wines, taken from the cellars of the neighbouring ;entlemen.

They sent gangs of assassins round all the adjacent country, ommanded by rebel officers, in quest of Protestants, who eized such of them as could not make their escape, and com- nitted them to prisons at the foot of the hill or in the town.

The walls of an old windmill, on the top of the hill, served s a fold to contain the victims who supplied the sacrifice of the lay; and when the rebel ranks were on parade, they were led orth and butchered in their presence, and as a regale to them; nd what was very singular, the executioners often knelt down, ossed themselves, and said a prayer, before they immolated he victims, who were frequently almost famished before they vere led to execution, from the bad and scanty food with which hey were supplied.

The camp was constantly attended by from ten to twenty riests, who daily said mass at the head of each rebel column, nd afterwards pronounced an exhortation to animate them in he extirpation of heresy, and in the exclusive establishment f their own, the only true orthodox faith.

Every morning, when the rebels paraded on Vinegar-hill, hey put to death from fifteen to thirty Protestants in their pre- ence, as an amusement to them. And this was done with the olemnity of an execution under a judicial sentence.

The gangs of pikemen, who were sent to roam the country n quest of Protestants to supply the grand slaughter-house at Vinegar-hill, could not restrain their thirst for blood, and ften killed their prisoners on the spot where they seized them, hough contrary to the orders of their leaders,

On the thirtieth day of May, William Neal, Henry and Bryan, his sons, were seized at their house at Ballybrennan, by a band of assassins, who were sent from the camp in search of Protestants, and were conveyed to Vinegar-hill camp. Michael Maddock and Joseph Murphy were leaders of the party. The former called them Orangemen, meaning Protes- ants, and wanted to kill them as such, but was over-ruled by ome others of the band. Bryan Neal offered them his horse

[redacted]

and cow to liberate them, but Maddock's wife told them that all of all Orangemen belonged to their church.

When they arrived on Vinegar-hill, Murphy said he could not bring in any more Orangemen, unless they put them to death directly; on which a conference was held, when the father and the two sons were immediately condemned. They first led out to execution Bryan, who begged they would shoot him, instead of torturing him with pikes. One of the rebels said he should not die so easy a death; and instantly struck him on the head with a carpenter's axe, which made him stagger a few yards: but he was soon brought back, when several of them stabbed him in the side with a spear, another hit the body, and a third shoved them aside, and shot him. William, the father, who was then brought forth, solicited to be shot; and having complied with his request, they put him to silence. The executioner missed fire at him three times, at which *Father Roche*, the General who attended the execution, desired him to try whether his firelock would go off in the air; he accordingly tried and it succeeded. Father Roche then gave him a protection and ordered him to be discharged, having imputed his escape to Divine Providence. Murphy and Maddock were near neighbours, and supposed to be the intimate friends of the Neal family, who had no suspicion that they had harboured such sanguinary hatred against them, on account of their being of the Protestant persuasion. William Neale had another son burnt at the barn of Scullabogue.

Charles Davis, a glazier of Enniscorthy, and of the Protestant religion, fought against the rebels in defence of that town, but was afterwards made a prisoner, and conveyed to Vinegar-hill, by a party of rebels, who informed him that as he was an Orangeman, he would be put to death. On his arrival in the camp he saw about forty bodies lying dead, quite naked, and very much mangled with pikes; among which he perceived the body of Mr. Henry Hatton, port-rieve of the town of Enniscorthy. The rebels desired him, insultingly, to lay his hands on his deceased friends, whom they called hereticks, and told him that all the hereticks in the kingdom should share the

ate fate. They then put him on his knees, in the midst of e dead bodies, and shot him through the body and the arm, d gave him several pike wounds; after which they buried m, covering his body lightly with sods. He lay in that uation from seven o'clock in the evening till five next morng; when he found a dog, who had scraped away the sods, aking his wounds. A party of rebels, who were near the ave, perceiving the motion of his body, exclaimed—"the ad is coming to life; and that Davis should have a priest, as e could not obtain salvation without one." Father Sutton, of nniscorthy, who was in the camp, administered the rites of his urch to him, and told him, he was sorry to see him in that uation; but as there was no prospect of his recovery, he was d that he was to die under his hands. He was then delivered his wife, who conveyed him to his own house, where, with e aid of medical assistance, he recovered. These facts have en verified by affidavit, and are universally known. Charles avis, who is now living, shewed me his wounds.

John Mooney, servant to Dr. Hill, and a Protestant, was ken prisoner, and conducted to the windmill prison on the top Vinegar-hill, the 31st day of May; and found there six-en Protestant prisoners, with some of whom he had been long quainted. They were desired to prepare for death, and soon ter a ruffian entered the prison, with a drawn hanger, and gan to torture the prisoners by way of amusement; but the ebel centinel stopped him, and said, that as they were to die on, it was cruel to torment them. In a few minutes, one of e prisoners was dragged out of the mill door, and shot; and on after the remainder were executed in the same manner. mong them there was a well-dressed respectable looking man, d his son, a boy about thirteen years old. The father seemed bear his approaching dissolution with great fortitude, supsing that they would not injure his son, on account of his nder age; but what agonizing pangs must he have felt, hen his child was butchered in his presence, and he, when led t to execution, was obliged to step over his bleeding corpse, hich fell across the door!

Neither youth nor age were spared by these sanguinary ruffians:—feeble old men, and blooming boys, alike fell a sacrifice to their brutal ferocity; and the tender sex were frequently violated, and then inhumanly butchered. To such deeds of blood, the deluded rebels were urged on by their designing priests, and were taught, by their spiritual guides, to believe that the only true road to heaven was over the bodies of *heretics*.

It was to be hoped and expected, that the concessions made to the Roman Catholicks, for above twenty years, would have attached them to the State, and would have united them with their Protestant fellow-subjects, in the bonds of brotherly love and christian charity: and yet, not only the late rebellion, but incidents which *daily* occur, afford incontestible proofs that the *tenets of their religion*, and the *conduct of their priests*, will always make it impracticable.

MASSACRE AT SCULLABOGUE.

I CONTEMPLATE with horror, and relate with ruluctance, an occurrence which took place on the day of the battle of Ross,* which will remain a lasting disgrace to human nature, and an indelible stain on the county of Wexford. During the encampment of the rebels on Carrickbyrne-hill, a party of them were

* The fifth of June, 1798. On the approach of the Rebels to the town of Ross, a great number of *Priests, with their vestments on*, and *crucifixes in their hands*, by moving through the ranks, and animating them by their harangues, kindled a degree of enthusiastick ardour in them, which nothing but fanaticism could inspire.

hill at Scullabogue, within half a mile of the camp, where him was converted into a prison for the confinement of Protestant prisoners. Bands of assassins were sent round the adjacent country in quest of Protestants, whom they meant to butcher, when they accomplished their final purpose of overturning the Government. On the eve of the thirtieth of May, Quinn King, the proprietor of Scullabogue, was advised to abandon his house and to carry off what valuable effects he could, as a camp was to be formed the day after on Carrickbyrne-hill, which is within half a mile of Scullabogue. Next day he made his escape, and the rebels took possession of his house. It appears on the evidence of different persons, that one hundred and eighty-four Protestants were burned in a barn of Scullabogue, and that thirty-seven were shot in the front of it. The following circumstance appeared by the evidence of Richard Silvester, a witness on the trial of William Fardy, one of the wretches concerned in that horrid affair: That when the rebels encamped on Carrickbyrne-hill marched towards Ross, on the fourth day of June, the Protestant prisoners were left at Scullabogue under a guard of three hundred rebels, commanded by John Murphy, of Loughnageer, a rebel Captain; Nicholas Sweetman and Walter Devereux, who both held the same rank: That when the rebel army began to give way at Ross, an express was sent to Murphy, to put the Protestant prisoners to death, as the King's troops were gaining the day; but Murphy refused to comply without a direct order from the General: That he soon after received another message to the same purpose, with this addition, that the prisoners, if released, would become very furious and vindictive: That shortly after another express arrived, during, the Priest gave orders that the prisoners should be put to death: That the rebels, on hearing the sanction of the Priest, became outrageous, and began to pull off their clothes, the better to perform the bloody deed: That when they were driving the prisoners out from the dwelling-house to shoot them, he turned away from such a scene of horror; on which a rebel struck him with a pike upon the back, and said, he would let his guts out, if he did not follow him; That he then attended

the rebels to the barn, in which there was a great number of men, women, and children; and that the rebels were endeavouring to set fire to it, while the poor prisoners, shrieking and crying out for mercy, crowded to the back door of the barn, which they forced open, for the purpose of admitting air; that for some time they continued to put the door between them and the rebels, who were piking or shooting them; that in attempting to do so, their hands and fingers were cut off; that the rebels continued to force into the barn bundles of straw, to increase the fire. At last, the prisoners having been overcome by the flame and smoke, their moans and cries gradually died away in the silence of death.

It was proved on the trial of John Keefe, convicted by a court-martial on the fourteenth day of April, 1800, on the evidence of Robert Mills, that, after the bloody work began, he saw the prisoner with a pike, the point of which was broken, and the top of the shaft or handle was bloody; that he carried it to an adjoining forge, whetted it on a sharpening stone, and then proceeded to the front of the dwelling-house, where they were shooting the prisoners. Among the persons most conspicuous, we find the names of Fardy, Sinnott, Michell or Miscally, who trampled on the dead and wounded bodies, and behaved otherwise in such a ferocious manner, as to obtain from the rebels the appellation of *the true-born Romans*.

William Ryan, a farmer, about three miles from Scullabogue, had a daughter who was kept by a Protestant gentleman at Duncannon. The rebel guards at Scullabogue, thinking that they might extract from her some important information relative to the plans of the loyalists, as her paramour was of that description, and dreading that she, and her friends, who were Roman Catholicks, might betray some of the rebel secrets to her keeper, sent a body of pikemen in quest of her; but not being able to find her, they were of opinion that her sister Eleanor, who lived at Mr. Rossiter's, would answer equally well. They therefore led her to the barn, and her father having shortly after gone there to solicit her liberation, they committed him and his poor old wife, who went there also in hopes of being able to move their compassion; but she shared their

fate, having been thrust into the barn, where they were all burnt.

No less than twenty-four Protestants were taken from the village of Tintern, about eight miles distant, many of them old and feeble, and were led in one drove to the barn, where they perished. Thomas Shee and Patrick Prendergast were burnt in the barn, both Romanists, because they would not consent to the massacre of their Protestant masters.—William Johnson, a very old man, though of the same persuasion, shared a similar fate. He gained a livelihood by playing on the bag-pipes, and was so unfortunate as to incur the vengeance of the rebels, by playing the tune "Croppies lie down."

William Neil, another Romanist, who suffered there, was by trade a tailor, and had worked for some time in the garrison of Duncannon. Having occasion to return to Camolin, of which he was a native, he procured the pass of General Fawcett for his protection, but it turned out to be the means of his destruction, for having been intercepted by the rebels, who considered the pass as an emblem of loyalty, they committed him to the barn, with his son Daniel, who happened to accompany him, and they both perished in the flames.*

Some persons have contended, that the persecutions in the county of Wexford, were not exclusively levelled against Protestants, because a few Romanists were put to death in the barn, and at Wexford; but the sanguinary spirit against them was so uniform at Vinegar-hill, on the bridge at Wexford, and Scullabogue, and indeed in every part of the county, as to remove any doubt on that head.

The witness, during this dreadful scene, saw a child who got under the door, and was likely to escape, but much hurt and bruised, when a rebel, perceiving it, darted his pike through it, and threw it into the flames. While the rebels

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* They burned the wives and some of the children of the North Cork Militia in the barn, who were Roman Catholicks; but it was sufficient to provoke their vengeance, that they were connected with the soldiers of an *heretical* King.

were shooting the prisoners in front of the dwelling-house, a party of men and women were engaged in stripping and rifling the dead bodies; and the prisoner, Phelim Fardy, called out to them to avoid the line of his fire, (as he was busily employed in shooting the prisoners,) and, in saying so, he fired at a man who was on his knees, and who instantly fell and expired.

The barn was thirty-four feet long, and fifteen wide, and the walls were but twelve feet high. Suffocation then must have soon taken place, as so great a number of people were compressed in so small a space; and besides the burning of the thatched roof of the barn, the rebels threw into it, on their pikes, a great number of faggots on fire.

Richard Grandy, who was present, swears, that the prisoners in front of the house were led out by fours to be shot, and that the rebels who pierced them, when they fell, took pleasure in licking their spears.

A gentleman present, who had a narrow escape, assured me that a rebel said, he would try the taste of Orange blood, and that he dipped a tooth-pick in a wound of one of the Protestants who was shot, and then put it into his mouth. Whenever a body fell, on being shot, the rebel guards shouted, and pierced it with their pikes.

Thus, one hundred and eighty-four victims were burnt in the barn at Scullabogue, and thirty-seven immolated in the front of it, with every circumstance of savage cruelty that hatred and fanaticism could devise—*merely because they were* PROTESTANTS.

Massacre on Wexford Bridge.

HALL now relate the dreadful massacre of Protestants, h took place at Wexford, and which has cast such an lible stain on that county, that every Irishman, who feels e honour of his native country, should wish that its very was expunged from the map of Ireland. From the inary spirit which the rebels manifested on all occasions g the rebellion, towards that sect of Christians, there is doubt but that they meant to extirpate them, as soon as had obtained a decided superiority over the government; heir leaders never failed to practice every artifice they devise to make them believe they were in a fair way of ing it. But when their delusions were removed, and they very numerous and well-appointed army march into the y of Wexford, they were stung with despair, and resolved lge their fanatical hatred against Protestants, by murder- ch of them as were their prisoners.

eph Gladwin, the gaoler, declares, that Thomas Dixon, er, went down to the gaol about the hour of two o'clock, ted on a large white horse, and that a man walked by de, bearing a black flag; that when he came to the Bride- door, he said,—"bring out the prisoners; and as they ot we will pile them against the dead wall of the gaol."— ll give the reader an account of this tragical affair, as d to me by some respectable persons, who resided in Mr. el's house, very near the bridge, where it was perpe- l, and were eye witnesses to it.

Between the hours of ten and eleven o'clock, on the morning of the twentieth of June, we saw a body of rebels coming over the bridge, bearing a black flag, with a cross, and the letters M. W. S. inscribed on it in white; which were supposed to mean murder without sin; and on the other side a red cross. After having made a procession through part of the town, they fixed that woeful harbinger of death on the Custom-house quay, near the fatal spot where so much blood was soon after shed, and where it remained flying for about two hours before the butchery began.

Soon after they arrived on the quay, they seemed to disperse; however, many of them remained there, and repaired to one particular place, where drink was given to them, and where LAMBERT was very busy in distributing it, and who, they believed, remained there till they left the quay, shouting—"to the gaol, to the gaol!" when they all disappeared, but returned, about four o'clock, to the bridge, with a number of prisoners, whom they massacred. They thus continued, till about seven o'clock, to convey parties of prisoners, from ten to twenty, from the gaol, and the market-house, where many of them were confined, to the bridge, where they butchered them. Every procession was preceded by the black flag, and the prisoners were surrounded by ruthless pikemen, as guards, who often insultingly desired them to bless themselves.

The mob, consisting of more women than men, expressed their savage joy on the immolation of each of the victims, by loud huzzas.

The manner, in general, of putting them to death, was thus: two rebels pushed their pikes into the breast of the victim, and two into his back, and in that state (writhing with torture) they held him suspended, till dead, and then threw him over the bridge into the water.

After they had massacred *ninety-seven* prisoners in this manner, and before they could proceed further in the business, an express rode up in great haste, and bid them beat to arms, as Vinegar-hill was beset, and reinforcements were wanting. There was immediately a cry, "To camp! to camp!" The

rebels seemed in such confusion, that the massacre was discontinued.

In the moment of confusion, the Rev. Mr. Corrin, parish priest of Wexford, arrived on the bridge, to divert them from their sanguinary designs, and which it is said he did to the utmost of his power; soon after his arrival he knelt down on the very spot where the blood had been spilled, and said some prayers; after which the rebels rose from their knees, and exclaimed—"Come on boys, in the name of God, to the camp! Thank God, we have sent these souls to hell." They then accordingly set out for the camp.

It is remarkable that the savage pikemen knelt down, lifted up their hands, and prayed apparently with devotion, before they proceeded to do any of the murders.

A lady who was in Mr. Hatchel's house, near the bridge, where this sanguinary scene took place, describes it thus, in her diary (which I quoted before).—"About three o'clock, Captain Dixon came to the quay, calling out, "To the gaol!" He was followed up the Custom-house lane, by numbers. They returned some time after to the bridge. I thought some alarm induced them to leave the town, and sat eagerly watching, till I beheld, yes, I saw, absolutely saw, a poor fellow cry for life, and was then most barbarously murdered. To give an account of this hellish scene is beyond my strength, nor could any person desire to hear it. No savages ever put their prisoners to more deliberate tortures. I saw a boat go to the prison-ship, and bring my friends and acquaintances, who, on landing, passed by our door to torture and death. I saw the horrid wretches kneel on the quay, lift up their hands, seeming to pray with the greatest devotion, then rise and join, or take place of other murderers. Their yells of delight at the sufferings of their victims, will ever, I believe, sound in my ears.

"To describe what we all suffered would be impossible. I never shed a tear, but felt all over in the utmost bodily pain. We expected life, only till the prisons and the ships were emptied; when an express came to say the army were marching against Vinegar-hill camp, and that if they did not reinforce

it immediately, all was lost. The town priests (*their* MASTERS TILL THEN, made their appearance. The leader of the murderers called to his men, in these words, which I distinctly heard:—"Come, my lads! we will now go; blessed be God, we have sent some of their souls to hell!" They went off really as if they had been performing a praiseworthy and religious action.

"Mr. James Goodhall, who had been taken out of the prison-ship, and conveyed to the bridge to be murdered, but was saved by the interference of Roche, the lay General, declared upon oath, on his trial, "that the assassins on the bridge were like a pack of starving hounds rushing on their game."

There were two hundred and sixty prisoners confined in different parts of the town of Wexford; ninety-seven were shot upon the bridge, on the 20th of June; the rest fortunately escaped by the providential appearance of the King's troops, and the consequent evacuation of Wexford by the rebels.

Further instances of horrid cruelty and savage barbarity would only shock and disgust the reader. Sufficient have been adduced to convince him that the Irish Papists consider the blackest and the foulest crimes as *venial*, in the prosecution of their favourite design,—*the extirpation of hereticks;* and that the idea of† the exclusive occupation of Ireland for themselves, and the establishment of their own, as the sole religion, will urge them on to the violation of all laws, both human and divine.

I shall now conclude these "Extracts," with the memorable words of Sir Hercules Langrish, the warm advocate of the Papists in 1792, and which I think peculiarly applicable to the

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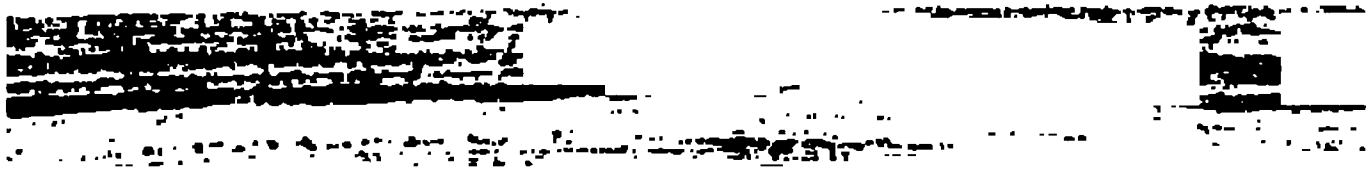
* During these horrid scenes, there were *fifteen or sixteen priests* in Wexford, and none of them, except Father Corrin, ever interfered to prevent them. Even Dr. Caulfield, the Roman Catholick Bishop, was applied to, to interfere, but he refused, saying "That the people must be gratified."

† There can be but little doubt but that this idea is *still* fondly cherished.

conduct of the Papists of the present day.—" Notwithstanding my prepossessions in favour of the Roman Catholicks, I was checked for some time in my ardour to serve them, by reading of late a multitude of publications and paragraphs in the newspapers and other public prints, circulated with the utmost industry, purporting to convey the sentiments of the Catholicks. What was their import? They were exhortations to the people, never to be satisfied at any concession till the State itself was conceded; they were precautions against public tranquillity; they were invitations to disorder, and covenants of discontent; they were ostentations of strength, rather than solicitations for favours; rather appeals to the powers of the people, than applications to the authority of the State; they involved the relief of the Catholick, with the revolution of the Government; and were dissertations for democracy, rather than arguments for toleration."

FINIS.

James Hodson, Printer, Cambridge.



REVIEW

AND

EXAMINATION

OF THE

STATEMENTS, REASONING, AND OPINIONS

CONTAINED IN THE

MIS-REPORTED CHARGE

OF THE

ON. MR. JUSTICE FLETCHER

TO THE GRAND JURORS OF WEXFORD.

"AUDI ALTERAM PARTEM."

DUBLIN:

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1814.

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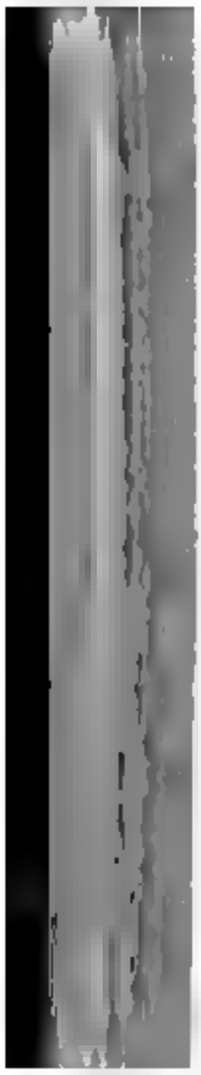
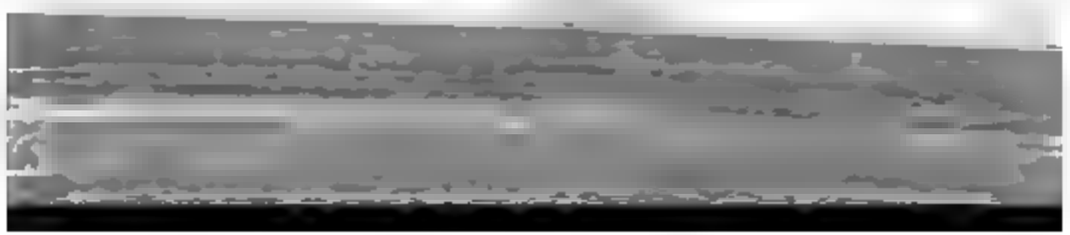


To the Viceroy, the Protestant and Roman Catholic Absentee Nobility, the Protestant and Roman Catholic Landlords, the Protestant and Roman Catholic Grand Jurors, the Protestant and Roman Catholic Magistrates, and the Peasantry of Ireland,

The following Review and Examination of the tements, reasoning, and opinions, contained in e mis-reported Charge of the Hon. Mr. Justice ETCHER, to the Grand Jurors of Wexford, is, with eat deference, to public opinion submitted.

"AUDI ALTERAM PARTEM."



ERRATA.

Page 4, *Line* 5, *for* with, and, *read* with him, and
—— 6, —— 18, *for* Clare, was, *read* Clare, as is now to be presumed, was
—— 9, —— 36, *dele* stating both
—12, —— 43, *dele* says
—13, —— 9, *for* do, *read* does
—14, ——36, *dele* will
—17, ——32, *for* (see the very words), *read* (these are his words)
—18, ——39, *for* absurd, *read* abused
—37, —— 9, *for* suffer, *read* utter
—41, ——28, *for* cause, *read* course

REVIEW, &c.

. HAVE read in two public Prints, (the Dublin Even-
ıg Post, and Freeman's Journal) papers, purporting to
e reports of a Speech said to be addressed to the Grand
urors of the County of Wexford, by the Honourable
Ir. Justice Fletcher;—and viewing those reports as
ibels—First, On the Nobility, and Protestant and Roman
atholic Magistrates, Landlords, and Grand Jurors of
reland—Secondly, On the Peasantry—Thirdly, On
ıe Laws of the Empire—And Fourthly, On their able,
ıd luminous, and eloquent Expounder, the revered and
enerable Judge himself—I will endeavour to expose the
efamer, with a view to rescue his Lordship from the in-
ry his character would suffer should this imputed Charge
main unanswered; and next, I will endeavour to con-
nce those of the people of Ireland who are disaffected,
ıd may have been misled by this falsely reported Charge,
at the Law, the Government, and the Magistracy, by
ıom their persons, their lives, and their properties, are
otected, are entitled to their entire respect and venera-
n; and I will also beg leave to offer such observations
contradiction to the false report of the Charge,
do at present occur to my mind, with an ardent and
ıcere *hope, that they* will be an encouragement, an
d *to prosecutions,* as well by his Majesty's Attorn
neral, as by the Hon. and Learned Judge himself; as

against the Writer, if he can be found, as against the Printers, who have slandered a Judge, whose hatred of disloyalty, and love for the Constitution, in Church and State, every man who has the honour and the happiness to be intimately acquainted with, and with his principles, can attest. I trust the amiable and humane Judge will not suffer the meekness or the gentleness of his mind, or the generosity, the benevolence, and the softness of his heart, to influence and guide his conduct. In such a case as the present, milky softness would be abused—in such a case, strict and stern justice should be administered. I trust and hope he will be sensible, that mildness and forbearance, in such a case as the present, would hold out a dangerous encouragement. I trust his Lordship's conviction will be, that he will err, if he shall think it best to treat with silent contempt his slanderers; I trust he will, on the contrary, think that such a course would bring into unmerited discredit the sacred character of the Bench, assailed as it now is through his dignified person, through the person of one of its brightest ornaments; in a word, through the person, need I say more, of the venerable Mr. Justice Fletcher?—and resolved as I am, as far as in my power, to assist him in punishing this mis-reporter, I will go through the false mis-statement, paragraph by paragraph, intending to expose, as I go along, its falsehood and extreme unworthiness.

In my comments, however, I will advert only to those parts of this false report which I shall deem important, passing over its repetitions and prolixity, (faults it appears eminently to possess,) obviously from an over-ardent zeal of the mis-reporter to inculcate amongst the lower orders his principles.

The very first paragraph in this imputed Speech shews its falsehood, for it makes the Learned Judge to say, "that he congratulates the Grand Jurors of Wexford "upon the *appearance* of the state of the County," repeating and emphatically dwelling on the word "*appearance;*" adding, as the cause of his ignorance, and the consequent adoption of that word, "that he had no "means whatever of knowing any thing," (these are the mis-reporter's own words,) "except from the *Calendar;*" and this "appearance," this admitted want of information, except from the Calendar, is the reporter's fo

on for the asserted Speech of a Learned Judge, which
pies seven columns of a Newspaper. The writer next
es the Judge to bestow the highest praise on the
nty (Wexford) for the excellencies he enumerates;
, as he observes, the sudden and unexpected explo-
alluding to the Rebellion of 1798; and then he
s, that the Judge had, "as the conductor of State
osecutions, enjoyed peculiar opportunities for the-
quisition of knowledge which other men did not
joy, whereby," as he stated, "he became acquainted
th the state of things in the County, and how that
plosion was produced." Having then shewn that the
ned Judge was acquainted with the secrets of the
ernment, and that he had been its confidential and
adviser, as the Advocate and leading Council on
lf of the Crown on State Prosecutions, the writer
s a veil over the events of those days, and ex-
es a wish for concealment of the causes of the Re-
on; which it were to be wished, since he adverted
ne subject, he had not concealed, because that an ex-
re of the causes and origin of the Rebellion by a
on acquainted therewith, as an adviser of the
vn, might have been attended with good con-
ences, inasmuch as the seeds sown in 1798 have not
yet eradicated, and that the Town and County of
ford were, as is well known, in the possession and
r the command of the United Irishmen during the
ellion of 1798; for which reason I am of opinion, that
xposure in the town of Wexford of the true causes
e origin of that horrible Rebellion, might have had
holesome effect.

he next paragraph is eminently illustrative of the
rvations already submitted, tending as it does to
the falsehood and the ignorance, and the folly also,
ne mis-reporter—for what does he now make the
ned Judge to say? Why, "that having been absent
om the County of Wexford for twelve years, with one
ception, when he did not, as is stated, sit on the
rown Bench; he could, however, with the greatest
uth say, he never saw the County more tranquil."—
here it should be remarked, that the moment before,
on the very commencement, the writer professed

utter and absolute ignorance of the state of the County, save and except the knowledge which the Calendar afforded. After, then, this acknowledged absence of twelve years, after this acknowledged absence of knowledge, what does this falsifier make the acute and the accurate Judge to say? I will now give you the mis-reporter's own words, " That he could with the greatest " truth say, that at no period from his earliest acquaint- " ance with the County, down to the present day, did he " remember to have seen it in more profound tranquillity, " more perfect peace, more complete security." See then, I say, the absurdity in which this foolish writer has involved the Learned Judge. First, he makes him peculiarly acquainted with the County, its politics, and its principles, as the conductor of State Prosecutions, asserting him to be the Council chosen by the Government, when his (the Judge's) known friend and patron, Lord Clare, was at the head of the Law; then he shews, by an absence of twelve years, that that personal knowledge had totally ceased—then he shews the Judge's utter ignorance of the County, avowed at the very moment of the delivery of the imputed Speech, by these emphatic words: " Gentlemen of the Grand Jury, I congratulate " you upon the appearance of the state of your County; " I say *appearance*, because I have no means whatever " of knowing any thing upon the subject, except from " the *Calendar*;" and almost in the next line this writer makes a broad and unqualified averment, not lightly, but deliberately, and, as is stated, *with the greatest truth expressed*, " That in his (the Judge's) experience of the " County for thirty years," (that County which the Rebels possessed, and where, I would remark, the Rebellion triumphed), he never knew it, says his mis-reporter, " more " profoundly tranquil, more perfectly secure, more " peaceable, than at the present day."

The Learned Judge is next made to rely on other grounds for his knowledge of the County beside the Calendar: and what are his new documents? The Wexford Journals of March and April. This writer has broadly stated an assertion I cannot believe, that a Judge, *in his* Address to the Grand Inquest of the County, *founded* his Charge in part upon Advertisements in the *Wexford* Journals. Such a proceeding would be, i

would seem, a prodigy in the administration of justice, and such as no man acquainted with Judge Fletcher could impute to him. Yet the writer himself (I must say, ill-intending towards Mr. Justice Fletcher) asserts, that the Judge made a Speech of seven columns length, as a Charge to the Grand Jurors of Wexford, founding it upon two sources only of knowledge, those specified, viz. the Calendar, and the Wexford Journals of March and April. I would now ask this writer, by what known Officer of the Law these documents, the Wexford Journals, could have been laid before a Judge? I would now ask him, who dared to put into the hands of a Judge the Wexford Journals, as documents whereon to inform his judicial mind, sitting on the Bench, of the state of the County, and its dissensions? Not, surely, the High or Sub-Sheriff, not the Grand or Petit Jurors, nor yet the Magistrates. No, no, the writer does not pretend to say by whom these documents were laid, as he would insinuate they were, before a Judge on the Bench. Extreme as this writer's ignorance, his folly, and his effrontery is, he had the caution to draw a veil over the name of the person who produced the Wexford Journals, as instructions and as a foundation to shew the state of the County.—Well the writer knew, as I do, and every man who knows Judge Fletcher, that the sound and constitutional Judge would on the spot have ordered the person (who should lay before him on the Bench, as legal documents, the Wexford Journals of March and April) into the Dock for an high contempt. Thus I dismiss these formidable documents, the Wexford Journals of March and April.

The writer has next the boldness to make the Judge to assert, "That never in the course of his (the Judge's) "Circuits, in all sixteen, had he" (the Judge) "ever "been able to discover or observe any serious purpose or "settled scheme of assailing his Majesty's Government, "or any conspiracy connected with internal rebels or "foreign foes." The impudence of this falsifier, in expecting that the loyal people of Ireland will swallow this gross assertion, is not to be endured. All the public prints, it is well known, teemed more or less every week with the accounts of the most horrid rebel atrocities committed *before and* ever since the unhappy year 179[illegible]

The newspapers are not in this instance to be doubted; because, unfortunately for Ireland, the records of the Courts of the Metropolis, and of the Counties at the Assizes, furnish proofs, alas! too strong, to justify the public prints. This false writer, then, in making Judge Fletcher in effect to say that there are not, and were not, during the period specified, any serious purposes of a rebellious nature in Ireland, does in an high degree vilify the Learned Judge, by attempting to set up his knowledge and opinion against the knowledge and opinion of every loyal man in the empire, and against, too, the records of the Courts in which the Learned Judge has himself had the honour to preside, whilst the writer ascribes to other causes and other persons the troubles and the causes of the troubles in Ireland, which then he proceeds to enumerate. First, the extraordinary rise of land—next, the paper currency—next, the Magistracy—the latter, as he says, all bad, whom he takes upon himself to divide into two classes, each reprehensible, some over active, the rest supine: which last alleged cause, the badness of the Magistracy, this false writer boldly tells the people, affects the dispensation of justice; in a word, affects, as he broadly states, the administration of the laws in Ireland. Thus the writer holds up to the contempt of the Empire, in gross, all the Protestant and Roman Catholic Magistrates of Ireland, except one—namely, an upright Magistrate in a western County, for whom I shall by and bye give the writer credit. And then he lashes the Orange Societies, which he scruples not to say, "do poison the "very fountains of justice." Here, in a sweeping clause, this writer involves all the Courts of Justice, and then he accuses the Magistrates with no less a crime than the direct and absolute violation of their duty, and of their oaths.

Next, this slanderer of the Judge and of all the Magistrates of *all* Ireland, Protestant and Catholic, with the exception of one upright western gentleman, makes his accusation against Petit Jurors, who also, to favour party-men, do, as he says broadly, and without expressing any doubt or qualification, "decline their duty;" in *other* words, he charges the Petit Jurors of the North of *Ireland* peculiarly with false swearing, as Jurors. "It is suf-"*ficient*," says this unamiable and universally bad write

"to display *a colour*, in order to found a disbelief of a "witness's testimony; or when another has displayed his "party badge, the Juries have mitigated," to use this writer's own words, "murder into manslaughter."—Thus he charges the Juries of Ireland with a crime, than which there can be none greater; none more injurious to the tranquillity and peace of the country; since it tells all the people of the Empire, that Juries, the palladium of our liberties, will, from party spirit, go the length of false swearing, for the acquittal of a murderer, provided he be an Orangeman;—good wholesome advice this, to the Roman Catholic peasantry of Ireland, peculiarly applicable to Northern Romans. By the way, are not those Juries composed in part of Roman Catholics? They are. I would now ask the writer, how he will get out of the dilemma in which he has involved himself?

The next paragraph makes "this," as the writer says, "no party Judge," to praise himself for the discharge of his judicial duty with firmness and integrity—as if any man ever expressed a doubt of either the firmness or the integrity of Mr. Justice Fletcher.

No man will believe that Judge Fletcher, conscious as he is of the world's praises, would descend to eulogise himself: No, no, in the plenitude of his well-earned fame he would leave that (his praise) to the people of Ireland and of the Empire.

This writer, contrary to the high, and lofty, and monarchical, and aristocratical mind of the Honorable Mr Justice Fletcher; adopting a style unknown to the Learned Judge; one, as it would seem, calculated to win the hearts of the mob, at the expense, and by the abuse of the higher orders, expresses himself, in allusion to the alleged miseries of the peasantry, in language at once affecting and pathetic; describing their (the peasants) residence and their food; stating both as unfit for an "English sow"—and then the writer, doubtless to obtain for his falsehoods credit and a character, and, as it were, to put a seal on them, has the hardihood to write these words as the words of the Judge—"Gen "tlemen, *I do repeat*, that those are my sentiments "*not merely as an* individual, but as a man

"*charging his judicial duty*, I hope with firmness and "integrity."—Immediately after which, the writer takes a new flight, returning to the charge against Orange Associations, with which he has taken upon himself to connect all commemorations and processions, which are, as he says, "productive of embittering recollections, inflict- "ing wounds upon the feelings of others."—And further, we find, that the false reporter seems to excuse, or to account for the disaffected and disloyal, by saying that they were provoked to rise by the Orange Assailants; but in no place that I can find, does this writer describe the horrible and frightful burnings and atrocities of the Rebels; over them he has drawn a veil.

Mr. Peel, the Secretary of State for Ireland, has, in the proper place, Parliament, expressed a different opinion from this writer—they are now at issue, and as the Right Hon. Secretary is in all respects competent to assert and enforce his opinions, it would ill become me to be his advocate, or to enter into any discussion to prove the correctness, the accuracy, and the truth of his statements, which, unblushingly, and with matchless effrontery, this foul reporter has dared to controvert, and, indeed, in most instances, flatly to deny.—And then this presumptuous writer takes upon himself to be a dictator to his Majesty's Government, and to the loyal people of Ireland, asserting, with his accustomed falsehood, that the Judge uttered the following words—"I do emphatically "state, as my settled opinion, that until these associa- "tions," the Orange Societies, "are effectually put down, "and the arms taken from their hands, in vain will the "North of Ireland expect tranquillity or peace." I am sure that the Government and the loyal people of Ireland, more especially the Northerns, (although a veil has been drawn over the robberies, by day and night, of arms from the Loyalists) will make a low obeisance to this writer, for his advice against Orange Societies, and Loyal Commemorations.

Was there ever, I ask, a Judge so slandered? Certainly not.—What, is it to be believed, that a Judge, in his Address to the Grand Jurors of Wexford, would travel to the North, to dilate upon the proceedings there, which seem to be as unconnected with the Grand Jurors &

Wexford, and the business of that County, as the proceedings in the North of Scotland? Will it be believed, that so learned and correct a Judge, as Mr. Justice Fletcher, would, in the slightest degree, usurp the place and the duties of the Government, and the Parliament, who are the judges on such subjects, as Orange Societies and Loyal Commemorations, and the wisdom of permitting their continuance? Can any man suppose that a Judge of such learning and knowledge, such peculiar acuteness and universal correctness, as Mr. Justice Fletcher, would, availing himself of his right and privilege to address the Grand Jurors of Wexford, on the business of the County, make the Bench a vehicle for public and general declamation—representing the peasantry of Ireland as naked and starved, oppressed and enslaved—that very peasantry, who, the public knew, by the sense of Parliament recently expressed, were in a state little short of actual rebellion? Oh no; Mr. Justice Fletcher too well knows the duty of a Judge—too well he knows that it is against a Judge's duty to mix politics with the administration of Justice; he is a man too well informed, not to know and not to feel the peculiar impropriety of a Judge giving lectures on political and other general subjects from the Bench. I repeat, and I do emphatically say, that no man acquainted with Judge Fletcher would believe, unless he heard him, that he delivered from the Bench the ninety-ninth part of the speech which has been falsely imputed to him; neither will I believe that Mr. Justice Fletcher would waste his time, and that of the Public, by a subject so obviously irrelevant to the Grand Jurors of Wexford, and the business of the County, and to legal business in general, so extra-judicial, as the ancient connexion between the Roman Catholic Pastor and his Flock—whether, as this false writer seems to doubt, such connexion be salutary or not, whether it has been, often with, or often without reflection, inveighed against by those who call themselves friends to the Constitution in Church and State, appears, to my uninformed mind, as unconnected with the Grand Jurors of Wexford, and the business of the County, and the general administration of justice in Ireland, as whether Roman Catholic Pastor felt it his duty to perfo

" with the lamentable abandonment of
" feeling." Strange mixture this—extraor
of words, utterly inconsistent with the well c
argumentative mind of the Learned Judge ;
the writer speaks of, and praises the salutar
between the Roman Catholic Pastor and h
the next, he laments that the Flock, goaded b
and flying in the face of their Pastors, hav
all religious feeling. My God, what length
so this writer would gravely tell all the Lea
Brethren, the empire, and all the world,
Fletcher declared from the Bench, in a solen
a Grand Jury, " That he had judicial know
" salutariness of the comexion betwee
" Catholic Pastor and his Flock." I woul
the title of that cause brought before the Le
the names of the Parties, and the Court of J
afforded that judicial knowledge ; and I wou
the decision upon it. The report of such
explanatory of the salutariness of the conne
lamentable dissolution, would certainly exte
ledge of Judges: but perhaps after all it wo

" passions of parties." Thus this writer passes sentence of reprobation generally upon all the Roman Catholic Laity of the lower order as false swearers, as men setting at nought the sanctity of an oath, ascribing all, as this writer does, to judicial knowledge of the separation of the Roman Catholic Pastor from his Flock; the truth of which assertion, since it has been made, I do positively and unqualifiedly deny, declaring, on the contrary, that the closest connexion and attachment do now, and has always notoriously subsisted between the Clergy and the Laity of that religious persuasion; and further, I do boldly and with confidence aver, that no attempt has been ever made to separate the Roman Catholic Pastor from his Flock. And now I call upon the writer to prove the truth of his assertion, one calculated to dissatisfy and discontent the minds of all Roman Catholics. The writer next asserts, " that the oaths of Orangemen likewise are also set at nought;" thus this slanderous and false writer draws in the Protestants and Presbyterians as false swearers, their oaths only " being obligatory," as he does with consummate effrontery say, " when they " administer to their passions; but as for oaths in " a Court of Justice, they have been," says this false Reporter, " altogether set at nought." These are his very words; and thus, in gross, he consigns to eternal damnation the mass of the people of Ireland, high and low, Protestant and Roman Catholic; and will not Mr. Justice Fletcher punish this odious and much detested writer? Will he not bring him or the Printers before a Court of Justice? Will he not invoke the Laws of his Country for the chastisement of the great offender? Yes, he will: Judge Fletcher will, through the medium of the Law, tell his Fellow-Countrymen that he is not their defamer; he will tell them that he never thought, much less that he ever said, that the great mass of the people of Ireland were wilful and willing violators of the law of God. This writer having thus disposed of the lower orders of the people of Ireland, as well Protestant as Roman Catholic, now sends after them; now holds up to the Empire, and to the World, the Gentry of Ireland as candidates for the infernal regions—for what does he now say? *I will, as I always do,* give his own words—upon *them I shall make no* comment, they require none:—

"Gentlemen, another deep-rooted cause of immorality "has been the operation of the County Presentment "Code of Ireland, abused, as it has been, for the pur- "poses of fraud and peculation:" of fraud and peculation, mark these words peculiarly selected. "Will you "not," says this writer, "be astonished when I assure "you, that I have had information judicially, from an "upright Country Gentleman and Grand Juror, in a "Western County, that, in the general practice, not one "in ten of the accounting affidavits was actually sworn "at all. Magistrates," says this flippant unsparing writer, "have signed and given away printed forms of "such affidavits in blanks, to be filled up at the pleasure "of the Party." Thus this writer accuses all the Magistrates of Ireland, except one upright Western Gentleman; thus he charges them with tolerating, with encouraging, and with participating, nay, practising fraud and peculation, and with encouraging false swearing, by wholesale too; thus he represents the Magistrates as making it their practice to sign papers as affidavits, in blank and in gross. But what apology will this falsifier make to Mr. Justice Fletcher I am at a loss to conceive, for representing him to his Brother Judges, to the Government, to the Magistrates, and to the Empire, as having so spoken, from the Bench, of the Magistracy of all Ireland; condemning them, the Magistrates, all *per saltum*, and in gross, to disgrace in this world, and as deserving of eternal punishment. I beg pardon of the upright Western County Gentleman and Magistrate whom I should have here excepted. Now I call upon this writer, in the face of his country, to report at large, in what cause, and where, and in what Court of Law or of Justice, this upright Western Gentleman and Magistrate gave evidence before Mr. Justice Fletcher, or any other Judge, to the import and effect of this writer's report. I will call upon him; the writer, also now to give the name of the upright Western Magistrate and Gentleman.

The next subject of the Learned Judge's false Reporter (he takes in all subjects) to which I would advert, embraces another obvious and monstrous absurdity, in his (the Writer's) attributing present immorality [illegible] hasty mode of Judges pronouncing Decree- Bills, "common," he says, "before [illegible]

nt Barristers." This cause of immorality must, vent, be absurd; because it would be nonsense nat the immorality of a people eighteen or twenty o, produced by Judges hasty decisions on Civil ld produce immorality eighteen or twenty years cause (supposing it to have been a cause) had and if those hasty decisions, for argument sake g that such had been, are no cause for present existing immorality, why then it is absurd to hasty decisions at all, conceding, as I do now or the sake of argument, that such abuse and n of justice had prevailed, while the Judges of l were the administrators of the Law; but I will ede, I will not, for the honour of Mr. Justice concede, that he would insult and injure the of the highly revered Judges now no more, to all , indiscriminately, this writer has alluded, all , I say, indiscriminately, he has maligned. Nor ncede that the Hon. Judge would asperse the l characters, the living Judges, his own brethren, en Mr. Justice Fletcher was a practising Barrister Bill Courts presided there; the Noble Lord, hom the Learned Judge has now the honour to ld tell him, if he did (as he did not) make that , an assertion at once affecting the living and the hat I will now tell the writer—that his assertions the Judges are not true.

next mis-report I shall advert to, seems to be no n an attack on Parliament and the Law of the which I will endeavour to demonstrate by the own words: "The old powers of the Law hav- roved unavailing, the Legislature was compelled ct new Laws, which, though clashing with the irst principles of evidence under our happy Con- on"—remark the words—"which, though clash- ith the very first principles of evidence, were for by the exigencies of the times." Now I will eve that Judge Fletcher could have so spoken of stitution; I will not believe that he ever said that islature in times of peace enacted a Law which ned or clashed with the very first principles of e—*no exigency* could justify such a Law; the *nciples of* evidence are, I do humbly concei-

immutable and unchangeable—else there might be Law, but there would not be Justice. To the deep root the first principles of evidence has taken in our glorious and happy Constitution, and to the consciousness in the mind of every man that such is the case, is to be ascribed that which comforts every good Subject in the Empire, whether he be Peer or Peasant, with the joyful reflection that his person, his property, his character, and his life are secured, that neither can be invaded or affected but through the medium of legal evidence. The bond by which is held sacred the people's rights is, undoubtedly is, the unchangeableness of the first principles of evidence, and the feeling that all Legislators, that all Judges, and that all Jurors must, in their judgments and decisions, be ruled and governed by those principles, is at once the Empire's boast and the people's happiness; an attempt then to shake, or by any expression to disturb or to diminish the respect of the people for the foundation, the main pillar upon which the excellence of our Constitution rests, is, in my mind, an high crime and misdemeanor, and such as calls for exemplary punishment. I am aware, however, that when a rebellion prevails, or when the seeds of rebellion are sowing, the Legislature is compelled to enact laws peculiar to such times, which do *pro tempore* supersede the laws which are calculated for times of profound peace; but in our glorious Empire, in its worst state, the first principles of evidence are more or less, and as far as circumstances will permit, rigidly adhered to.—After thus sapping as it were the foundation of the Constitution in regard to the law of evidence, this mischievous writer tells the people that the Legislature made a law, which held out a kind of bounty for false swearing. Surely, no man sitting on the Bench of Justice, placed there by his Sovereign to administer the laws, could have uttered such an expression, could have said that a law was enacted which held out an encouragement for false swearing; assuredly not; for so speaking of a particular law, would bring the law itself into contempt. Having before consigned to damnation our Magistrates, our Jurors and our People, this universally bad, and always ill-conceiving writer, does next pretty broadly insinuate that all the Revenue Officers in Ireland will accompany them. "We all know," says this wholesale

writer, " the revenue folk are not very remarkable for a ' scrupulous feeling in such cases," that is, in the cases of false swearing; and then comes an assertion not applicable to one man, but, with a very few exceptions, to every man in the community; and what now does this writer falsely state? What! but that Mr. Justice Fletcher on the Bench declared, " That he (the Judge) had him- ' self witnessed trials where in his (the Judge's) judg- ' ment, the Revenue Officer was perjured, the Witnesses ' were perjured, and the Petit Jurors were perjured." There are no bounds, no limit to this writer's slander; but, with the blessing of God, the Judge will, I trust, give him a severe check, if it were only for the sake of example.

The next observation I will make is on an absurdity perfectly ludicrous, tending only to excite laughter, but not, however, without a severe stroke against the resident Gentry of the country, insinuating, if not asserting, that they aided, assisted, abetted, and comforted this universally imputed false swearing of the Revenue Officers, the Witnesses, the Jurors, and the Magistrates. Writing on this subject, the false reporter has been pleased, with, it would seem, more imprudence than wit, to say, " The ' resident Gentry of the country generally winked with ' both their eyes at this practice; and why," says the writer, speaking for the Judge, " do the resident Gentry ' wink with both their eyes? Why do they connive at ' false swearing? Why do they encourage, not as ' asserted, a particular, but an universal breach and vio- ' lation of the universally known law, of the express ' commandment of God? I will tell you," says this christian and religious and moral writer, (see the very word) " because it brought home to the doors of their ' tenants a market for their corn, and consequently ' increased the rents of their lands; besides," says this writer, this able judge of human nature, this eloquent expounder of the minds, and hearts, and principles, and motives of the Magistracy, the Gentry, the Jurors, the Revenue Officers, and the Peasantry of Ireland, whose minds and hearts it would seem he carried in his pocket; " besides," says he, " the Gentry themselves are the con- " *sumers of those liquors.*" Thus, this wretched, *miserable pretender* to wit and humour, describe

Landlords and Gentry of Ireland as two eyed-winkers and whiskey-drinkers.

The next object of attack by this greatly gifted writer, (he rises we perceive as he advances,) is levelled against the Nobility and the highest class of the Gentry of Ireland, including Protestant and Roman Catholic, who are *Absentees*, to whom, with his usual and accustomed freedom and flippancy, he ascribes the increase of immorality, and the banishment from Ireland of all tranquillity and obedience to the laws; pretty round charges, no doubt, against the Irish Nobility and Gentry: "The Absentees," says this bold and adventurous, but novel writer, "disgusted with the state of things, desert their "posts in the times of peril," not forgetting however to keep a strict eye, steadfastly, as this universally informed writer says, looking upon "a farm, if it falls out of lease, "to set it up to the highest bidder." Here this writer scruples not to hold up the Protestant and Roman Catholic Absentee Landlords of Ireland as the oppressors of their tenantry, the drawers and the drinkers, not of whiskey, but of the last drop of the people's blood, gorged with which, and with their (the Landlord's) excesses, they are held up to the execration of the Empire; thus, too, exposing, thus holding up to scorn in the sister country, the Irish Protestant and Roman Catholic Nobility and Gentry, and exciting against them the contempt and detestation not only of all the people of England and Scotland, but of the people of their own country, and of all Europe. For what, I ask, in a Nobleman or Gentleman more cruel and more disgraceful—what more degrading, more barbarous, or more inhuman, than extracting the very blood of the poor? and having sucked it all in, then coward-like, in its day of peril, deserting and abandoning their country! Surely such slander won't be suffered to pass unnoticed by the Nobility and Gentry of Ireland. Having delivered his imaginations, he affixes a seal as it were on them for their authentication, making the venerable, and amiable, and honourable Judge to say—(was there ever a man so absurd?) "I have thought it "*right*, from the false colouring that has been given, and "*to* remove all such illusions, to state plain facts;" remark, I pray, the words, "plain facts;" these are the *false* writer's plain words, very plain indeed, not so

misunderstood—equally within the sphere of the lowest as of the highest mind. The writer, we find, proceeds from town to town on the Leinster Circuit, giving, from the Assizes of each County, laboured accounts of the proceedings in the Criminal Courts, obviously with a view to shew, that in his opinion, no political disturbance or treasonable spirit was or could, in the course of the Circuit, be discovered, none but ordinary cases, says he, appearing; inferring, therefore, that there were no grounds for the alarming rumours that were spread and disseminated, nor for the inversion, founded upon those rumours of the Leinster Circuit; with which measures and rumours, and the inversion of the Circuit, the writer appears to be much dissatisfied. His minute details and laboured observations I will pass over, taking the liberty, however, to make a few observations.—I would first say, that I think the writer was wrong in finding fault with the inversion of the Circuit, and in speaking perhaps too lightly of the causes which induced that inversion, since the Circuit was inverted by order of his Majesty's Government, founded upon its information, its belief, and its knowledge of the state of the Country. I think, therefore, the writer ought not to have indulged in these remarks, and that they were as unpermissable in him as in Naval or Military Officers, who would undoubtedly be found fault with, if not punished, however high in rank, were they, in an address to the men under their command, to find fault with the Government for inverting the order of their march or their voyage; at the same time taking upon themselves to observe to their auditory, the sailors and soldiers under their command, that the Government ought not to have given credit to the rumours, the stories, and the reports which had induced the inversion of the order of their march or voyage. Generally speaking, I would beg leave to observe, that it is not (consistently with the principles of the British Constitution) competent to Officers under the Crown, whose duties are limited and prescribed, and who are bound at once to obey, to execute, and to administer the laws—it is not, I say, competent to such Officers, whilst employed in the discharge of their public *duties and functions*, to call in question, *at all into doubt, the orders* of the Government, or

reasons and principles upon which such orders may happen to have been, or be supposed to be, founded; for I say it is the bounden duty of all Officers under the Crown, in the exercise and discharge of their respective offices and duties, implicitly to follow, and strictly to obey, all the orders of the Crown and the Government; and I say it is contrary to their duty, in their public characters, to use any expression, or to do any act, tending directly, or indirectly, to thwart or contradict, or to express disapprobation of the conduct or the opinions and measures of the Ruling Powers, whose servants they are, and whose obedient servants, whether in high or low station, they ought to be.—I cannot forbear to give the writer's words, speaking of the Tipperary Assizes, which are as follow: "The Calendar at Clonmel presented a sad list of crimes; "there were several Prosecutions conducted by the "Gentlemen of the Bar, and by *the Crown Solicitor, at* "*the appointment and by the direction of the Government.* "Yet, notwithstanding all this formidable array of crime, "and the multitude of prisoners, the Judge," says this very free writer, "had the good fortune to discharge the "gaol in two days and an half;" and proceeding a little farther, the writer, with a kind of apparent triumph, observes, "But let me ask, what has all this to do with "public disturbances? A people ferocious in their "habits and violent in their animosities, when intoxicated "with whiskey, formed into factions, and classed by "barbarous appellations, may bruise each other with "sticks, or even slay each other with mortal weapons; "but, I would ask any man, what connexion could the "conviction of a criminal" (alluding to a man found guilty under Lord Ellenborough's Act) "have with "associations against Law, Order, and the Govern- "ment?" Thus this writer presumes to express opinions contrary to the opinion of the Government, notoriously expressed, not by words, but by its act, namely, by its order for inverting the Leinster Circuit; and this writer, proceeding farther in the same strain, again gives his opinion, as it is conceived, against that of the Government, relying on the numerous Calendar at Clonmel, the prompt discharge of the gaol, and the paucity of convictions; the very reasons, it should be [illegible] led that he relies on being, perhaps the

reasons that can be adduced for the support, and in corroboration of the belief of the disturbed state of the Country entertained by his Majesty's Government; since it is notorious, and, by legal convictions, established beyond all controversy, that prosecutors and witnesses have been (merely because they appeared in those characters, and for no other reason) murdered. The enormous Calendar, therefore, shewed at once the peoples' depravity, and the disturbed state of the Country, whilst the fewness of convictions did not shew innocence; on the contrary, this last fact, the trifling number of convictions, so triumphantly relied upon by the writer, tends rather to furnish evidence of extreme enormity and excessive criminality. The writer does indeed appear to me, for the reasons I have given, altogether mistaken in his political views and opinions; and perhaps he may, by the highest authority, be considered much to blame for the delivery of them.—The next observation of this writer I will submit to the consideration of the Public, is founded on the following passage: "I hope," (these are his very words, consolatory, no doubt, to the peasantry,) "I hope "the system of setting lands by auctions, of squeezing "from the vitals of the tenantry more than the actual "value of the produce of the lands, does not exist in "this County. I hope and believe no such system pre-"vails here, because like causes produce like effects, and "in that case, the Calendar now before me would have "exhibited a very different picture; at present its con-"tents amount to one charge of murder, one of rape, "and one against a woman for the supposed murder of "a bastard child; but I can descry no trace of any sys-"tem of general disaffection, or of political mischief; "I am therefore utterly at a loss to account for the "alarming assertions which have been circulated "throughout the Empire;" (here, I presume, he alludes to the advertisements in the Wexford Journals of March and April.) "This subject, the tranquillity and peaceful "state of the country," (says this writer), "affords matter "of serious reflection indeed." The writer then says, "Gentlemen, these facts, peculiar to your County, have "induced me to travel at length into this subject, in "*order to guard you* against being affected by simila" "*alarms, originating* in other Counties. I hope that

" your steady conduct in your own County (Wexford), " you will prevent the maligners of this Country, " (Ireland), from asserting any where, that the Almighty " has poured the full phials of his wrath upon this land, " so favoured by Nature with the richest gifts, or that he " has cursed it by implanting in it a race of men of so " vicious and depraved a nature as is not elsewhere to be " found." (The writer's words are here with precision quoted.) This phial flight is a bad attempt at oratory, and a worse attempt at advice; his, the false reporter's hope, " that the Almighty had not cursed Ireland by " implanting in it a race of men of so vicious and depraved " a nature as is not elsewhere to be found," is doubtless oratorical, but it seems however to me to be an unintelligible flight, since it would be difficult to find a race of men vicious and depraved, *who are no where to be found.* Proceeding farther, the writer observes, " Gentlemen, I " say it is incumbent on you to vindicate the state of " your Country—you have ample means for so doing." I wish, for the removal of all doubts, the writer had given his materials for the vindication of the County of Wexford. " You" (meaning the Grand Jurors) " know," says the writer, " the root of those evils which distract " the Country; they are to be found in those causes " which I have now stated." Here I must beg permission to make one general observation on this Speech, falsely sent into the world as the Charge of a Constitutional Judge. I do, then, without the fear of contradiction, assert the peculiar indelicacy of the false reporter, as well towards the venerable Judge, as towards the loyal men of Wexford, the relations, friends, and connexions of the murdered Loyalists of the Town and County, in fixing on the Crown Court House of Wexford; and further, I do assert the indelicacy also of ascribing such a Speech to a Learned Judge, from the Bench, in the hearing of the relations, friends, and connexions of the murderers of the Wexford Loyalists; thus, as it were, reviving and exciting the animosities of 1798; thus drawing aside the veil which had very properly concealed them; thus tearing open the wounds, which, on the commencement, the writer said, invoking the name of God, he hoped were completely and for ever closed.—I beg pardon for this digression, and I return to the misrep

on of the mis-reporter of the venerable Judge, rs, "Is there no corrective but the rope and the et?" (for my part, I fear, in the present state of there is not any other, but the writer of the Speech thinks otherwise:) "Yes," says he, "Gen- n, the removal of those causes which I have ioned to you, will operate as the remedy." I will g leave, with all humility and zeal in a good cause, ess my hope, that the Judge's false reporter will his remedies; I trust he will be able to give satis- reasons. The Learned Judge is then made to his imaginations; would that I could hear the nd loyal imaginations of Judge Fletcher, always d, always improving, always delightful, I would say, even on ordinary occasions, always sublime; onfess I do, from my heart, abhor, detest, and all, I say all, the imaginations of his false reporter, falsehood and malignity does indeed call for the nce of the Judge, and which I trust will (if any an excite the meek and mild spirit of the gentle iable Judge) rouse and provoke his great mind, his irit, to make active exertions for the condign punish- f the vulgar, and ignorant, and wicked man, who has is false reporter. His next attack is by putting ords into the Judge's mouth: "I should imagine," are the very words the Judge is now made to utter,) the permanent Absentees ought to see the policy, better motive can influence them, of appropriating ally some part of those splendid revenues they from the Country, which (well put) pays no land or poor rate, and of which (not a bad hit for the er's purpose) not a shilling, not (as he takes upon elf to say) one shilling is expended in the country." thoroughly well informed does this writer pre- be; nothing can escape him.) "Is it not high ," he says, "for those permanent Absentees to offer e assistance, originating from themselves, out of r own private purses, towards improving and liorating the condition of the lower orders of the antry, upon their great domains, and rendering r lives more comfortable?" Do those observations, *belong to the* Presentments or the business of th *Jurors of* Wexford? I rather view them as sl

[redacted] on the absentee Protestant and Roman Catholic Nobility and Gentry of Ireland. His (the Judge's) false reporter does next compliment two absentee Lords, at the expense, however, of all the Irish Peerage, who live in England—a compliment which I am sure the Noble Lords, if ever they shall hear of it, will very ill receive, understanding, at the same time, that the writer insinuates that their Brother Peers set their farms at rack-rents, or extortion. After a continuation, indeed a perfect rhapsody of abuse, of the absentee Lords and Gentry, which I shall pass over, this presumptuous obtruder has the impudence to become their adviser and their dictator; condescending to tell what, instead of doing good, the absentees do. "They act (says he) thus: they often "depute their managers upon the Grand Jury of the "County; this manager gets his jobs done without ques-"tion or interruption; his roads, his hedges, and his "park-walls are all conceded;" (still harping on the Absentees,) he, the writer, adds, "For my part, I am "wholly at a loss to conceive how those permanent "Absentees can reconcile it to their feelings, or their "interests, to remain silent spectators of such a state of "things, or how they can forbear to raise their voices in "behalf of their unhappy Country, and attempt to open "the eyes of our English neighbours, who, generally "speaking, know about as much of the Irish, as they, "the English, do of Hindoo." I would ask, what has Hindoo to say to the Presentments, and the business of the Grand Jurors of the County of Wexford? There is no topic this writer does not advert to, in his wide extended circuit, for next he speaks of visitors from England to Ireland, (a subject surely mal-apropos, as to Grand Jurors), who, the writer says, are handed from one Country Gentleman to another; was there ever a writer so universally informed? These are the writer's own words, I always quote them with strict accuracy: "Does a visitor come to Ireland, to compile a book of "travels, what is his course? he is handed from one "Country Gentleman to another, all interested in con-"cealing from him the true state of the Country; he "passes from Squire to Squire, each rivalling the other "in entertaining their guest—all busy in [redacted] "ed in his ears, touching the distress[redacted]

" Country, and the vicious habits of the People." With an equal degree of confidence and rapidity, and with equal truth and candour, he travels from the Parliament to the People, from the Bench to the Bar, from the Grand Jury to the Petit Jury, from the High Sheriff to the Sub-Sheriff, from the Magistrate to the Peasant, from the first Revenue Commissioner to the lowest Boatman, from the most noble Peer to the most humble Citizen, from the Palace of the Lord to the Cottage of the Peasant—a dwelling (speaking of the latter) into which, he says, an English sow would not be permitted to enter; from the rich Man's, the writer goes to the Peasant's table, which this notable writer says, an English Farmer would not permit his hog to partake of. Why, there is nothing beyond this writer's inquiries and knowledge.—But what, again I ask, has the visit of an Englishman, or the compilation of his travels, or the Irish Gentleman's entertainment of the mind or the body of his English visitor, to do with the Grand Jurors of Wexford, or the Presentments or Business of the County? For an answer I beg leave to call upon the compiler of this falsely reported speech; to the mis-reporter, then, of the honourable and learned Mr. Justice Fletcher's last Speech in Wexford, I do now apply for information—but all that has been said to shew the versatility and the inutility of this writer and mis-reporter, falls infinitely short of what remains. " Such (says he) is the crusade of information " upon which the English Traveller sets forward, and he " returns to his own country with all his unfortunate " prejudices doubled and confirmed;" from whence a conclusion, at once unnatural and absurd, is deduced, namely, that the Englishman " returns to his own coun- " try with all his unfortunate prejudices doubled and " confirmed, in a kind of moral despair of the welfare of " such a wicked race, having made up his mind that " nothing ought to be done for this lawless and degraded " Country." I ask again, is this language to be addressed to a Grand Jury? Might not a Grand Juror say, What have we to do? What have the Presentments and the business of the County to do with the prejudices, or the partialities, or the opinions of an English Traveller? *What have we, or* what has the County to do with his *moral despair, or his* immoral despair, with his opinion,

the welfare or the ill-fare of the race of the Irish? With these comments I will pass by the Political Projector, the Harrington Oceana, the extermination of the Irish, and the colonization of the Jews, for the improvement of the Commerce of England. Then the writer condescends to lecture the absentee Nobility and Gentry, telling them what they ought peculiarly to do; I will give his own words: "Gentlemen, I will tell you what "these Absentees ought particularly to do: they ought "to promote the establishment of Houses of Refuge, "Houses of Industry, School Houses, and set the exam"ple, upon their own estates, of building decent Cot"tages, so that the Irish Peasant may have, at least, the "comfort of an English sow; for," says he, "an English "Farmer would refuse to eat the flesh of a hog so lodged "and fed as an Irish Peasant." Pray, what have the comforts of an English sow to do with the business and the Presentments of the County of Wexford? After thus lecturing the Nobility and Gentry, and after adverting to hogs and sows, their food and comforts, he returns to the Absentees, in these words: "Again, I say, that "those occasional Absentees ought to come home, and "not remain abroad, resting upon the local manager, a "species of locum tenens upon the Grand Jury; they "should reside upon their estates, and come forward "with every possible improvement for the Country." I protest, according to my views and understanding, the presumptuous impertinence of this writer, the Nobility and Gentry of Ireland ought not to submit to in silence. This elegant and accomplished writer then contrasts the English with the Irish Landlord, of course according to the Chesterfield school, where, doubtless, he received his education; he praises the English Landlord at the expense of the Irish; but this, the false reporter's want of nationality, I set down to his education, or perhaps he abused the Irish Landlords to lay a foundation for his observations, seemingly complimentary to the Irish Peasant. "Can you wonder," (says this writer,) I will give, as I always do, his own words, "if the Irish Landlords planta"tions are visited for the purpose of repairing his (the "Peasant's) dilapidated cottage, or if your young to "are turned into plough handles, spade handles, or "their cabins?"

Against the next paragraph, as against the last, I do with all my soul and heart protest. "It is (says this "mis-reporter) in vain to flatter yourselves that you can "improve the Peasants' minds, if you neglect their "bodies; where have you ever heard of a people desirous "of education who had not clothes to cover them, or "bread to eat?" And does this writer mean to say, that the Irish Peasants are naked and starved?—"I have "never known that any people, under such circumstances, "had any appetite for moral instruction:" these are his words—digest them who can—I declare I cannot. "So "much, Gentlemen, (says the writer,) for permanent "and occasional Absentees; you, (whom?) the Grand "Jury of Wexford, should begin the reformation." Here again I ask, (desirous to get information) are the observations last quoted, pertinent and relevant to the Presentments and business of the County of Wexford; and I ask, is the course taken a good one for ameliorating the state of Ireland? And now I beg leave to demand of the writer an explanation, what he means by these words to the Grand Jurors: "You should begin the necessary "reformation;" nor can I forbear to remark, with an expression of dissatisfaction, the introduction of Lord Chancellor Redesdale's visit, and the honour thereby conferred. I consider that this writer has very improperly introduced his account of Hogarth's Prints and Gin Alley, since neither have any thing to do, that I can discover, with the Presentments or business of a County. After a parade and laboured statement about Lord Redesdale, the writer speaks thus: "Gentlemen, this subject, "(Lord Redesdale, Gin, and Hogarth), brings me to a "consideration of the Magistracy of the County; of "those I must say, some are over zealous, others too "supine; distracted into parties, they are too often go-"verned by their private passions, to the disgrace of public "justice, and the frequent disturbance of the County;" and then he gives minute statements of the iniquities which, as he says, the Magistracy of Ireland are guilty of, but which I will not disgust my readers by repeating. At first it occurred to me, that this part of the false reporter was but simple *repetition*, and so I believe it will be found *in one view, but not* so in another; the Magistracy *Ireland in general* were undoubtedly abused throughou

but I believe that the present accusation is applicable directly to the Wexford Grand Jurors. I observe the writer does not say, that the Learned Member of the County was present, but from my heart I hope he was, and I hope too, that that learned and constitutional Legislator will, before the next Session of Parliament, read the false report, that he may tell the House, when the subject shall be debated in Parliament, and when eulogising, as very properly he is in the habit of doing, the truly respectable Magistrates of his County, and his Constituents, that the Dublin Evening Post and Freeman's Journal spoke false, when they had the effrontery to say, "that the Magistrates of Wexford are zealous "or supine; that they are distracted into parties, governed "by private passions, and the frequent disturbers of the "County, to the disgrace of Public Justice." I confess I look forward with great anxiety to the Learned Member's defence in Parliament of his Constituents and Friends; most assuredly, if this false writer be permitted thus to stigmatize, thus to reprobate Magistrates indiscriminately, thus to hold them up to the Government as objects for legal punishment, thus to hold them up to the people as objects for immediate degradation, thus to hold them up to the people as objects for contempt and execration, he will, it may be said, have obtained a license, or perhaps I might say, a patent for abuse.

The writer then returns to the Peasants' sufferings, but I will not disgust my Readers by following him through his details of the miseries caused (as he says), by the inhumanity and the tyranny of the Irish Landlords; but suffice it to say, he holds up the Peasant as at once virtuous and impoverished—the Gentry, at once, vicious and *odious*.

This most false reporter having thus disposed of the Laity, next applies himself to the Clergy, beginning with, (I will give his own words,) "Gentlemen, as to "Tythes, they are generally complained of as a "great grievance, in the times in which we live; Tythes "are a tax upon industry, upon enterprise, and upon "agricultural skill." Here I make a pause—here I request the Reader to reflect—here I ask, does not this false reporter, in the foregoing remark upon Tythes, misrepresent the Judge and the Law? In my opinion

has vilified both. I am aware I may take a wrong
w, and therefore I shall now write with caution, ask-
for information, and my observations and questions
ll be general, not applicable to one Judge, but to all
lges throughout the Empire—with profound defe-
ce then I proceed; and first I beg leave to put a
neral question: Have Judges, sitting on the Bench, a
ht, by Law, and by the Constitution, to promul-
e, uncalled for, (no business whatsoever relating
or connected with Tythes, depending in Court)—
e, I respectfully ask, Judges a right, armed with
authority, and dignified by the robes of justice,
ilst sitting on the Bench of their Sovereign, the object
n of the People's respect and veneration, looked up
by all with profound deference, and by most of their
litory as little less than Oracles—have they, I ask, a
ht by Law and the Constitution, in such a place, and at
h a time, to debate unfavourably on the subject of
thes, which are the support of the Clergy of the Church
Ireland, as by Law established, sanctioned as Tythes are
the Law of the Empire? For information I ask, if
dges are not to administer the Laws as they find them in
Statute Book? And further, I ask, if it be compe-
nt for Judges on the Bench to say, (no question of Law
Fact being before them,) that the Laws of the Empire
calculated to oppress industry, to destroy enterprise,
d to check agricultural skill? (The words of the writer
will now repeat.) "Tythes are generally complained
of as a great grievance—Tythes are a tax upon indus-
try, upon enterprise, and upon agricultural skill."—
ith great deference I express my humble apprehension,
t Judges have not a right, by Law and the Constitu-
n, upon the Bench, to avow sentiments against the
urch Establishment, or against its Supporters. No
n living, therefore, can persuade me, that Judge
tcher ever did so express himself from the Bench;
l shall an anonymous writer be permitted? If I
ll be answered, that a Judge has not the right,
ll then, I ask, an anonymous writer be permitted with
unity to make unfounded observations on the Law
l the Judge? God forbid. Will not Mr. Justice
tcher, *then, availing* himself of the Law, punish th
n *who has thus misreported* him? Assuredly he wil

an offence of such magnitude, a Judge could not, as I humbly conceive, consistently with the duty he owes to the Government, to the Bench, to the Public, and to himself, pardon.—If this writer be not now exemplarily punished, after the next Assizes we may expect false reporters of Judges Charges, who will probably declaim against a Standing Army, who may probably tell the People that Standing Armies are dangerous to the liberties of the subject—that they are instruments in the hands of the Crown for the establishment of arbitrary power—that the People ought to be watchful of their Rulers, lest the King and his Government should, through the medium of a Standing Army, invade and subvert the rights and liberties of the People; this, I say may, after the next Assizes, be the language of false writers, unless an effectual check shall now be given; the prudence of Peace or the chances of War, may also be the subject of declamation; and next, it is not improbable, this or another anonymous writer may fall upon the Board of Admiralty, and accuse it of not affording sufficient Convoys to protect the Trade, or mayhap he may make a charge against them for inverting the order of a voyage, upon false rumours, and then hold up the Lords of that Board to the People's ridicule and contempt. I will now put out of consideration altogether, whether the subjects, upon which this writer has dilated, are in their nature innocent or criminal, and I will beg leave, with great deference, to submit, with the utmost respect, a few observations, contending as I shall, that if anonymous writers be permitted to send into the world, as Charges of Judges, Speeches permissable only in the Senate, a door will be opened, perhaps, for the subversion of the Constitution; in a word, if such anonymous and dangerous public writers be not promptly and effectually put down, the sacred Bench of Justice may again be made a vehicle for the promulgation of doctrines the most mischievous, and so a dreadful order of things, never contemplated, (because the offence is, thank God, quite new,) may arise. With a view to reconcile and make contented the minds of the People of Ireland, on the subject of Tythes, I will beg to contrast the rights of the Clergy of England, as now enforced by Law, with those of the Irish Clergy. By the contrast, the leniency of Irish claims

made manifest. I tell them, as a fact, that in England, Fruit and Vegetables are tythed, and that the Clergy strictly enforce the payment of the tenth, whereas the Irish Clergy do not, in general, get a twentieth. Again I say, I will not believe that a Judge, more especially a Judge so devoted to Religion, so attached to the Church of Ireland, as by Law established, and to the Constitution in Church and State, as Mr. Justice Fletcher is, would, on the Bench, at Wexford, totally uncalled for, promulgate principles and advance positions in regard to Tythes, so unworthy of a Judge as those ascribed to him by this false reporter. Tythes undoubtedly are a public subject, and it is, I admit, the right and privilege of every man in the Country to discuss such subjects, (a privilege I do at this moment, with great deference to public opinion, avail myself of;) but, however, the law of discretion interposes, to fix restraints which forbid men, in particular situations and places, taking certain adverse views against old establishments, or against measures of Government, from discussing; the persons I would instance are, Judges, Generals, Admirals, and Divines, when addressing their respective auditories. What would be said of a Military or Naval Officer, who, at the head of his men, should make a declamatory speech, of six or seven pages length, against Old Establishments? Such an offender, though of the highest rank, would be dismissed the service, at least; and here, I repeat, on principle, the duties of Judges and Divines, Generals and Admirals, should be, and are precisely the same in regard to the discussion of public topics. What mischiefs, I ask, would not a Government and a People be exposed to, if the opinions of Judges, on general subjects of State Policy, were allowed upon the Bench: of Divines, in the Pulpit, or of Generals and Admirals, in their Addresses to the Men under their command? and if such Speeches, from such powers, are inadmissible, surely such liberty of speech will not be allowed to false and anonymous writers. The discussion of such subjects, and the proper remedies, (every one knows) exclusively belong to the Houses of Parliament, and not to the Bench of Justice, to the Pulpit, or to the Army or Navy; the *duties of Judges*, of Divines, of Generals and *Admirals, are prescribed*, and have their known limits *fixed by the Law* and the Constitution. Does not

excellence of our Constitution consist in the due apportionment of the Rights, Privileges, and Powers of every man in the Empire, and would not the well-balanced distribution be overturned, if the high personages I have alluded to, were to usurp the Powers and Privileges of the Crown, and the two Houses of Parliament? In a word, by our excellent Constitution, the duty of every man is ascertained, and no man can with impunity violate the limits prescribed; and now, I ask, for information, is it, or is it not, the duty of Judges on the Bench, to administer the Laws as they find them, to the best of their skill and knowledge? I speak now generally, and desirous of information, I ask, is it, or is it not, consistent with their duty on the Bench, to propound new, or to find fault with existing Laws? Do not, I beg leave to repeat my question, such discussions belong exclusively to the Houses of Parliament, to whose Acts, when sanctioned by the Crown, is it, or is it not, the peculiar duty of Judges to pay implicit obedience? Nay more, is it, or is it not, their duty, upon their Oaths, to make others, and every man within their jurisdiction, obey the Laws? With what consistency, I would beg leave with great humility to submit, could Judges, on the Bench, pass sentence under a Law, the legality or the usefulness of which had, the moment before, been the objects of their discussion, and of their abuse or reprobation? From Clergy and Tythes the writer steps again to the Grand Jurors and Presentments of the County of Wexford, now holding up to the Public at large Grand Jurors as the worst of men. I will here, as I always do, give his own words: "Indeed I have known Counties which have been par-"celled out to Undertakers by Baronies, where no man "could get a Job without the consent of the Baronial "Undertaker. They met and commuted, and it was "thus agreed: Give me my Job here, and I will give you "your Job there;" those are his very words. If such charges against Grand Jurors are not of the most serious nature—if Grand Jurors be not here directly accused of peculation of the basest kind—if their crime, if the charge be true, be not a robbery of the poor by the rich, I am yet to learn what is base and wicked. I hope the Grand Jurors of all Ireland, with the exception of the upright Western Gentleman, will defend themselves from t

accusations of this writer, on whom I do now, explicitly and expressly, call for the names of the Counties and of the Grand Jurors, who have thus, as he writes with confidence, dealt in fraud by wholesale; who, according to him, without having bought the people, have sold them; who, greedy blood-suckers, enrich themselves, making roads, building bridges, and raising park-walls for their own convenience, by the plunder of the poor. I call upon the writer, not merely to speak out, but I call upon him to speak plain. I call upon him to name persons, times, and places, that so the guilty Grand Jurors and Magistrates may be dragged before Mr. Justice Fletcher, and his Majesty's other Judges, at the next Assizes, and be, by the venerable Judge and his Brethren, disgraced, degraded, and exemplarily punished, as assuredly, if guilty, they ought. The writer does now, it would seem, commit a blunder, by making an apology to the Wexford Grand Jurors; I give his own words—"I may be asked why I "mention those things? The Grand Jury know them "very well, but they ought not to be concealed:" miser- "able infatuated notion! these things are not concealed; "there is not a Grand Jury Job in the Country which is "not known and commented upon by the Peasantry; "every mischief and every enormity I have this day "stated, is as thoroughly well known to the Peasant as "to the Gentry throughout Ireland; the affected appre- "hension of exciting and exasperating them, by a repro- "bation of those enormities, is puerile and contemptible. "It cannot do mischief, it cannot add to the poignancy "of their feelings, but it may allay or sooth them: al- "ready those exactions are the subject of discussion and "of minute scrutiny in every cabin; what are the conse- "quences? dreadful heart-burnings and deep murmur- "ings." Was there ever such a soother as this mis-reporter, who, to allay a wretched Peasant's sufferings, whom before he described without food or clothing, does tell the starving naked wretch, that his Landlord, the Grand Jurors, and the Gentry of the Country, are peculators and swindlers of the highest class, that they are his oppressors, and that the rich have entered into a combination to rob the poor!—Such are the writer's accounts *of the Absentee Nobility* and Gentry of Ireland—an *such are the healing* measures he uses for allaying a

soothing the miseries, as he roundly states, of the naked, and starved, and plundered, and miserable Peasantry.

The next part, to which I shall advert, is that which tells the Grand Jurors of Ireland the remedies by which they may enable themselves to comfort and make happy the minds of the discontented Peasantry, and induce them patiently to suffer the pressure of their burdens; and what are the soothing means he does now propose? What! Why, "equal and impartial administration of justice"—of that justice (I give his words) which "the rich can pursue until it be attained, "but which, that it may benefit the cottager, should "be brought home to his door." Thus this false reporter proclaims to the world, as it were from the Bench of Justice itself, "that in order to sooth the mind of the Peasant, and to enable him to suffer with patience the "pressure of the burdens imposed on him, he (the Peasant) should be told he shall have equal and "impartial justice;" that which, emphatically, from his chamber, the writer asserts, the rich man can pursue until obtained, but which, that it may benefit the cottager, should be brought home to his door. Here is an insinuation, indeed a broad assertion, that under the present order of things, the cottager cannot attain justice; the writer's words are, "but which justice, that it may "benefit the cottager, should be brought home to his "door;" with his accustomed benevolence then he expresses his hope that justice will be so brought, in order that the peasants' sufferings may be soothed and allayed. Here he tells the peasantry of Ireland in pretty plain language that the benefit of the Law is not now imparted to them, and then follows (one would think enough had been already said) another, and, as usual, an attack mixed with great severity against the Magistracy of Ireland, with a plentiful supply of wholesome advice to the Government, to guide the administration of the Law in future, for that end proposing the removal of the present, and the selection of a new Magistracy, describing, (there is nothing beyond his imagination and presumption,) how bad men have crept in; on this subject he gives a very curious piece of advice, indeed a master-piece—it is that vacancies in the Magistracy shall be supplied from the Protestant Clergy, and then follows an eulogy of them

but what next, and in a few lines after, do we read? The greatest disrespect of that sacred body. I will now give, as I always do, the writer's own words:—"Some Clergy-"men (says he) there may have been, who, in a period "of distraction, perusing the Old Testament with more "attention than the New, and admiring the glories of "Joshua (the Son of Nun), they saw in the Catholics "the Canaanites of old, and at the head of the Militia "and Yeomanry wished to conquer the promised Glebe. "Such Men, I hope, are not now to be found in that "most respectable order, and if they are, I need scarcely "add, they should no longer remain in the Commission." Good wholesome advice this, from an anonymous abuser of the Clergy of Ireland, to the Lord Chancellor; and then he takes up the Orangemen, now giving a further admonition, and towards the conclusion of his observation (nothing great or small can escape him,) he adverts and animadverts upon two Bills recently enacted in Parliament, and what does he say? As I always do, I shall give the writer's own words:—"Gentlemen, two Bills of "importance to the public peace of Ireland, have re-"cently passed both Houses of Parliament;" he did not forget to add his comment upon those Bills. "They "passed," says this universal writer, to whom the lines of Juvenal may not, perhaps, be inapplicable: "Grama-"ticus, Rhetor, Geometres, Pictor, Aliptes, Augur, "Schenobates, Medicus, magus omnia novit." "They "passed (says he) almost, as I believe, without observa-"tion, and certainly without public inquiry into the state "of the Country." Desirous to get information, I beg to propose some general questions respecting all Judges: Have they, on the Bench, a right to call in question Acts of Parliament? Have Judges a right, by law, to bring into public consideration Acts of Parliament, observing that they passed both Housses without observation or due inquiry? Have Judges a right, by Law, to discuss the means by which a Law has been enacted? At present I apprehend they have not. Generally speaking, I hesitate not to say, (speaking, however, with the utmost respect and deference,) that the worst consequences must inevitably result, if Judges were, from the Bench, to deliver *opinions against Acts* of Parliament, or against the *means used for their* enaction; and I would beg leave

say, that puisne Judges cannot have judicial knowledge of the previous inquiries made, or the means taken for the enactment of a Law, (such observations, this anonymous writer, assuming the sacred name of a Judge, has presumed to make;) but I ask pardon for having said so much; the Right Hon. Mr. Peel, the Lord Lieutenant's Secretary, and the Chief Minister of the Prince Regent's Government in Ireland, who brought those Bills into Parliament, and who throughout their progress supported them, will, I presume, in a proper place, and at a proper time, and before a proper tribunal, call this very bad writer to an account for his impeachment, indeed at least of his (Mr. Peel's) Ministerial and Parliamentary duties and conduct. I will therefore beg leave to commit that writer to the Minister for Ireland, who, I have no doubt, will bestow on him that which he merits;—and now, I proceed on a voyage with this writer, and general traveller, whose next accusation against the Gentry of Ireland is simply, that they have been guilty of a crime, no less than the transportation across the Atlantic of innocent men, "because," (as, in his comments on the Insurrection and other Acts, he asserts,) "their lives happened to "be in their (the Landlord's) Leases"—I will give the writer's own words: "Gentlemen, I have seen times when "persons, who, thinking the lives named in their "Tenants' Leases were lasting somewhat too long, had, "by the aid of such a Law, found means to recommend "a trip across the Atlantic to the persons thus unreasonably attached to life, and thus achieved the downfall of "a beneficial Lease, and a comfortable rise in their income; in consequence such things have occurred; I have "known the fact. Thus," he says, "the Landlords "punish those innocent transports," as with an affectation of wit he observes, "because of their unreasonable attachment to life; thus," he says, "the Lords and Gentry "of Ireland achieved the downfall of a beneficial Lease, "and a comfortable rise of their income," adding, (this is too important not to be repeated,) "such things have "occurred; I have known the fact." I call now upon this writer and bold accuser, this positive and unqualified assertor; I call upon him to prove the alleged fact, namely, to prove that Irish Landlords have transported innocent men for the purpose of aggrandizing themselves

and I call upon the Landlords themselves, collectively and individually, to demand, in a proper place, and before a proper tribunal, such proof. This false reporter has now the assurance to represent the Judge as in a pet—as saying, when speaking of the Acts of Parliament, "I "am not in the secrets of the Castle—a desperate state "of things calls for desperate remedies:" alluding to the state of Ireland, and the Laws of the Land—denying that any Judge ever did on the Bench suffer such an expression, I ask, what would be said of a puisne Judge in London, who, sitting in Westminster Hall, on the King's Bench, should tell a Grand Jury that he was not in the secrets of the Regent's Government, or advised with, or consulted by his Sovereign's Cabinet Ministers? I would now, for information, ask, if Judges are in the habit of receiving secret and confidential communications from St. James's, or from the Castle of Dublin? Now, of all his falsehoods, this I take to be one of the greatest—Why? because he had before represented the Learned Judge as the chosen servant of the Crown, in the worst of times, and when, if the writer is to receive credit, the Judge's peculiar friend, the late excellent Lord Clare, was at the head of the Law; wherefore I infer that the Government could not be so insensible of talents as to withdraw its secrets from Mr. Justice Fletcher, if they were or could with propriety be confided to any Judge; but assuredly no Judge would pettishly tell a Grand Jury that he was not in the secrets of the Castle; every Judge knows that he ought not to receive lessons from the Castle—nor yet from a contrary Party; every Judge knows that he would violate the Law and the Constitution, and, what is infinitely worse, his Oath, if he were, in his administration of justice, to suffer his mind to be influenced, either by secrets from the Castle, or by secrets from the people.—The writer then, by those words, "I am not in the secrets "of the Castle—a desperate state of things calls for a "desperate remedy," has, I do humbly conceive, grossly maligned the Venerable, and Loyal, and Constitutional Judge Fletcher, whose Charge he has pretended to report, and, for this mis-report, I do sincerely hope the Judge will severely punish him. There are several passages in this *most extraordinary* composition which call for laughter *such as those about the* COURIER and the PILOT—Ah

a shot, a falsehood and a truth—About escorts, and the mischiefs and alarms which they excite—About English Country Gentlemen—and led horses and equipages—and English Judges and Irish Judges—About pelting stones in Callen—About high Sheriffs, their need and penury, and what is beneath them—About Sub-Sheriffs, with their desire of getting rid of burdens—and what is beside them—About two or three miserable Bailiffs mounted on wretched little horses, brandishing an enormous length of halbert, resembling so many Cossacks in every thing but utility—About attendance, and no attendance—and about a boy of seven years old idly flinging a stone: this farrago I will pass over, as unfit for the consideration of the most puerile of my readers, and as this accomplished writer makes Mr. Justice Fletcher to desire the Grand Jurors to return to their Jury Room, so will I beg leave to retire from the mis-reporter, wishing very sincerely that he may get the retirement he seems to have been very well disposed to earn—that which he deserves, I pray God he may get—the labourer is worthy of his hire.

On my review of the falsely reported Charge, I find I passed over the most awful part, indeed passages which strike my imagination as shocking to human nature. I allude now to those parts, which, speaking of crimes, followed by the rope and the gibbet, the mis-reporter says, (his words shall be faithfully given,) "What then is the "wretched Peasant to do? Chased from the spot where "he had first drawn his breath—where he had first seen "the light of Heaven—incapable of procuring any other "means of existence—vexed with those exactions I have "enumerated, (which, according to his account, are) the "moderate pittance which the high rents leave to the "poor Peasantry, the large County Assessments yearly "taken from them; roads frequently planned and "made, not for the general advantage of the County—"but to suit the particular views of a neighbouring "Landholder, at the public expense; such abuses, shaking the very foundation of the Law, ought to be "checked. Superadded to those mischiefs, are the per-"manent and occasional absentee Landlords, residing "in another County, not known to their Tenantry, but "by their Agents, who extract the uttermost penny of "the value of their Land. If a Lease happens to fall

" in, they set the Farm by Public Auction, to the highest " bidder—no gratitude for past services, no preference " of the fair offer, no predilection for the ancient Te- " nantry, be they ever so deserving, but if the highest " price be not acceded to, *the depopulation of a whole* " *tract of country ensues.* What, then, is the wretched " Peasant to do?" (repetition here is admissible.)— " Chased from the spot where he had first drawn his " breath—where he had first seen the light of Heaven— " incapable of procuring any other means of existence— " vexed with those exactions I have enumerated, and " harassed by the payment of Tythes, can we be sur- " prised, that a Peasant, of unenlightened mind, of un- " educated habits, should rush upon the perpetration " of crimes, followed by the punishment of the rope " and the gibbet? Nothing," (as the Peasantry imagine) " remains for them, thus harassed and thus desti- " tute, but with strong hand to deter the Stranger from " intruding upon their Farms, and to extort from the " weakness and terrors of their Landlords, (from whose " gratitude and good feelings they have failed to win it), " a kind of preference for their ancient tenantry. Such, " Gentlemen, have been the causes which I have seen " thus operating in the North of Ireland, and in part of " the South and West."—I call now for specification. What now shall be said of the mis-reporter of a Judge, of Mr. Justice Fletcher too—a man filling a situation, which, next to the Clergy, is held sacred—a man invested by his Sovereign with the administration of his Laws—a man to whom is delegated the sacred duty of deciding upon the persons, the properties, and the lives of his Majesty's subjects—in a word, of a man, who, because he is a Judge, has peculiar as well as ordinary duties to discharge; for upon a Judge, on his Majesty's Bench, the eyes of all men are placed? It is not enough to say of a Judge, generally speaking, (Judge Fletcher is an eminent illustration of my position,) that he is a good man—no, it should be said of him that he is pre-eminently good, that so, he may give the better effect to his endowments, natural and acquired – that so, he may be a shining example,— that so, as far as his influence can reach, he may improve *the morals, as Divines* do the religion, of the People.— *What now, I ask,* will Mr. Justice Fletcher say of his mi

reporter?; With profound respect I beg leave to express my hope, that the Hon. Judge will himself exemplarily punish the man, if he can discover him, who has dared to injure and insult his reputation, and highly estimated judicial character.

Considering the sentiments and the principles which we find are, by this writer and many others, inculcated, Can we be surprised? can we wonder that the Peasantry of Ireland, quick minded, spirited and brave, a warlike people, who, though of a generous nature, kind hearted and hospitable, are yet from national pride, and from a warmth of mind, an hastiness of temper, and a volatility of spirits, perhaps of all others upon earth the people most susceptible of bad advice, the most easily excited and led astray? Can we wonder that a people, in whose minds, however good they are by nature, such bad principles are unceasingly, and indeed unsparingly inculcated? Can we, I say, wonder that a people of such spirit and spirits, taught to believe that they are impoverished and enslaved, that their Landlords, upon whose estates they live, are their oppressors—that the Nobility and Gentry of Ireland, collectively and individually, are their oppressors—taught to believe that they, the Magistrates and Grand Jurors, do by fraud, and peculation, and jobbing, of an infamous nature, combine, conspire, and confederate together to defraud the poor—taught to believe that the owners of the soil have no gratitude—taught to believe that when Leases expire, their Lands are set up by public auction, and knocked down to the highest bidder—taught to believe that neither past services, or the offer of a fair value, can work upon the obdurate mind, the hardened heart, the cruel soul of their ungrateful Landlord—taught to believe that their Landlords, without any feeling, extract the uttermost penny of the value of their Lands—taught to believe that they have no predilection for their ancient tenantry (be they ever so deserving,) but that, on the contrary, if the highest price be not by the ancient tenant acceded to, the depopulation of an entire tract of country ensues—taught to believe that they, the wretched Peasantry, are chased from the spot where they had first drawn their breath, where they had first seen the light of Heaven—that they, chased away from their [illegible]es and their farms, are rendered incapable of

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well known anxious solicitude, the natural and early, and admired and habitual affections of his mind and heart—taught to believe that whilst the door of justice is open to the rich man, it is closed against the poor—taught to believe that the Peasant cannot either get Law or Justice—in a word, taught to believe that he is in his own Country, that Country which he loves, and which, according to the feelings of his mind, and heart, and soul, he would, but for wicked advisers, delight in, cherish, and support—taught, I say, to believe, that in his much-loved Country, he is at once an alien, and an outcast, placed out of the protection of the Law, to be at once the sport and the support of those, who, by the Laws of God and Man, ought to be his comforters, his protectors, and his guardians.—Can we, I say, wonder that the minds of the Peasantry of Ireland, thus taught and instructed, thus misled and abused, should be in a state of depravity, and disposed to resist the Law and their Landlords, whilst such depraved, such false, such infernal principles are inculcated, are instilled, are driven and forced into the mind of the Peasant, we cannot wonder at his past, nor yet at his present depravity—no, no, we are only to wonder that he is not more depraved and more wicked; and so doubtless he would be, if it were not that the brave mind, the noble heart, the generous soul, the hospitable feelings, and the religious disposition which the God of Nature has implanted in the breasts of our beloved Countrymen, the Peasantry of Ireland, restrains and checks the ferocity and the wickedness which a depraved education leads the naturally good but misled Peasant into—but for those happy causes of restraint, natural, therefore, strong causes, the wishes of the vile incendiary, the wishes of the teachers of rebellion, of the schoolmasters of sedition, of the quack doctors of the State, who, in 1798, and since, have too frequently prevailed, would see the completion of their infernal desires, would glut their insatiable appetites, and wicked minds, in the surrounding view of rivers of blood—Alas! this blessed land has been cursed with poisoned spirits, who have indeed poured the phials of their wrath, who have administered their poisoned prescriptions, who have tainted the public mind with their corruptions, their poison alike destructive to rich and poor, and so deadly, that if it does

get hold of the mind, he who tastes thereof will die. indeed is its nature, that it destroys at once both and body; the Almighty has banished from our d, blessed by nature with her choicest gifts, all ve- ous animals of the reptile kind, but he permits a er scourge, a greater punishment, in the poisoned envenomed principles of too many of its base sub-

conclude, I consider that Ireland has been traduced— the Protestants have been traduced—that the Roman olics have been traduced—that the Peerage, the llords, the Clergy, the Gentry, the Magistrates, the d Jurors, the Petit Jurors, the Officers of the Reve- and the whole Peasantry, Protestant and Roman Ca- c, have been all traduced. I will not say that the Judges ncluded, though, perhaps, I might—but this I may be itted to observe, that the Bench of Justice has not been cted—nor have the Government or the Parliament too much flattered. Those are the sincere persuasions y mind—under their influence I have written, and if ll have taken right views, then I trust that his Majes- Government, or the Imperial Parliament, or the Hon. Justice Fletcher, will put the subject into a proper se of legal investigation. On the other hand, if I taken wrong views—if, from an error of judgment, I reprobated that which ought to be respected—if sentiments and principles of the Writer are entitled e approbation of the Government, the Parliament, the People, my observations will then fall, as in that they ought, into oblivion; the only consolation I then have, for the trouble I have taken, or may given, is that which arises from the reflection I meant well. I will further observe, that whether Charge to the Grand Jurors of Wexford (falsely ited to the Hon. Mr. Justice Fletcher) shall rought before the High Court of Parliament, or be- his Majesty's Court of King's Bench, is for the con- ration of the highest powers in the Empire. In call- heir attention to the subject, as with profound re- t I have, I feel I have discharged my duty. I do then, ose High *Personages*, the Viceroy of Ireland, the *bers of the Imperial* Parliament, the Hon. Mr. Jus *letcher, and his* Majesty's Attorney General, a

to their superior judgment bow with that deference which becomes me; requesting permission to declare, as I do with the utmost sincerity, that my earnest and only anxiety on the subject I have taken the liberty to discuss, is, that that may be administered, which all men desire, and unite in praying for,

JUSTICE.

AN ADDRESS

TO THE

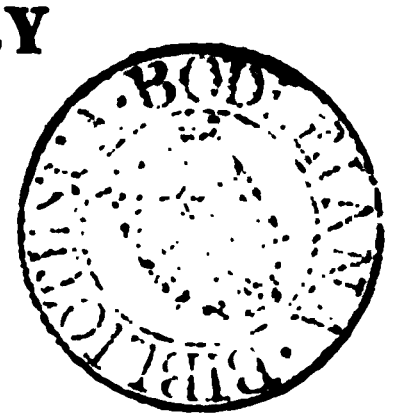
PEOPLE OF IRELAND,

ON THE

DEGRADATION AND MISERY

OF

THEIR COUNTRY,



AND THE MEANS WHICH THEY

(IN THEMSELVES)

SESS, NOT ONLY TO SAVE IT FROM UTTER RUIN, BUT TO RAISE IT TO ITS PROPER RANK AND CONSEQUENCE AMONGST

NATIONS.

BY GEORGE ENSOR, Esq.

RE-PRINTED FROM
THE DUBLIN MORNING POST.

1822.

D 26. c. 169. (13)

ADDRESS

TO THE

People of Ireland.

MY COUNTRYMEN,

Anticipating the repulse of the Catholics in 1821, I called on you, my countrymen, to merge your particular grievance in the paramount evil. You are degraded nominally as Catholics, but really as Irishmen; and it was my wish that you should have expressed your consciousness of the insult, and declared, by your conduct, that youknew you were spurned, not as believers, but as Patriots. Reform must restore your independence, for the object of Reformers, and the terms of their institution, regard equal and universal rights and liberties. Honest Englishmen cannot wish for your thraldom, for they know and feel that your slavery leads to their debasement; and no Englishman of common prudence, if he were free to chose, could continue Ireland, as it is, a disgraceful burden to Great Britain, already a load of ill to itself.

In addressing you, my first wish is, that you should consider yourselves emphatically Irishmen; and God knows all of you, of all sects and persuasions, whatever be the strictness or the comprehension of your faith, should be bound in one compact by your common griefs—for the sufferings and sorrows of the Irish, of all denominations, excite the sympathy even of strangers to the soil and people. For myself, though I honour the union of friends, I never was of any club, fraternity, or association. The public is, has been, and shall ever be, the object of my solicitude. Nothing can narrow my views, or divert my pursuit.—I have always considered him who looks to place, a man on sale; and of pensions, offices of emolument, prerogative honours, I have no sense. The world has repaid me an hundred fold for my endeavours, and this retribution still continues a growing fund. Doubt not that I shall die as I have lived; for though many (and it is the sting of their baseness that exasperates my egotism,) add sordidness to treachery, and sink their souls by a double perdition, I cannot, by possibility, follow the herd of apostates and imposors; for to be a gratuitous villain exceeds the aggregate depravity of mortal man.

My Countrymen, I declared to you long before your Petition was presented to Parliament in 1821, the improbability of its success, whatever had been the expectancy of the Catholics, though the rejection of their suit was inevitable, the majority *of thirty-nine* votes in the Lords so mortified the *Petitioners, that the* Government, to abate their anguish, affirmed *to the Treasury* Journals, that it was intended, whe*n question was again* agitated in Parliament, to introduce

under specific modifications, as a Cabinet measure. Whether this operated on the credulity of the Irish (and verily the civil faith of my countrymen is apt and ample), I know not; but the stupefaction and astonishment of the people, at this overwhelming opposition, was soon relieved by the hints and notices of a projected visit to Ireland.

The royal coming was at first entertained with all those questionable doubts which men betray, who long after unimagined happiness. "The King comes"—what ebullitions of gladness!—what mutual felicitation! They who never believed the report of the King's advent, now affirmed that it had been always their opinion "The King comes"—what present good!—what ultimate beneficence! Even fancy faultered in its aspirations and visions—beatitude and Ireland were one—the King set sail—the Queen sickens—the King continues to sail, and when the Queen died, the King landed, overjoyed amidst a joyful people; yet, be it remembered, if the deadly wrongs of that woman were then forgotten, never till now did an English King approach the Irish shore except as a scourge and a curse.

The populace of Dublin, and their leaders, having done many prodigious things, and the King being refreshed, he paraded the city; on other auspicious days he visited the Linen-hall, where many more Trustees attended this parade than ever attended to the interests of the Staple Manufacture of Ireland. The King visited the Bank, where he saw money-changers substituted for the representatives of the Irish nation. He lunched with the Royal Dublin Society, who encourage Literature and the Arts, distribute prizes for the best specimens of the *Poor Innoo*, and fix the wages of Silk Weavers. Besides, the King dined with the Lord Mayor, with the University—he dined and slept at the Marquis of Conyngham's.

Other acts of grace and favour should be mentioned. He made Lord Fingal a Knight of St. Patrick—he actually, after an official communication, obliged a master stone-cutter, an Alderman, to excuse his insult to Majesty and the Irish nation. The King also addressed a paternal letter to his faithful people of Ireland. He then embarked from Dunleary, now honoured by the title of KINGSTOWN, in respect of his Majesty's departure.

Again, what raptures, what wallowing in the dust, what creeping and fawning, what puddling in the ebbing tide, what plunging and swimming, to present a farewell sonnet to Majesty, or catch a last glance of the Royal presence; and surely never was the regal state so escorted, on sea or stream, since Cleopatra sailed down the Cydnus, with her attending Nereids. Bursting with zeal, the shout went forth. What must be done to memorial this mighty achievement, far exceeding many circumnavigations of the globe by a generous people?

A monument—a monument. Then began subscriptions, meetings in Dublin, in towns, and villages; sermons, circulars, hand-bills, to promote the good and great purpose. But what shall the monument be? A Palace, a Temple, a Church, a Bridge, a Pillar, nothing—for the money collected is less than the cost of a political present from the British Court to the last Persian Ambassador. Mr. Attorney-General Plunkett said ostentatiously, "His Majesty had knocked at the hearts of his Irish subjects, and had been answered with inexpressible enthusiasm and gratitude."—(*Times*, APRIL 23.) Such was the amount of this gratitude, purified of its effervescing elements, when reduced to pounds sterling.

While these strange things were doing, and duplicity and outrage were masters of the riot, and the good people of Dublin were delirious with feasting and revelry, deep-brooding famine threatened a million of the Irish people. In this dreadful situation, on one of the many estates forfeited by the native proprietors to the intruders on the country, (for tyranny and confiscation are old associates,) held by an absentee Norman and a criminal fugitive from Britain, a commotion arose, and it spread like a report, in consequence of tithe on potatoes, and processes and surcharges in ecclesiastical Courts, and of tenants expelled, their lands being set by auction, "no reference to tenants in possession," and rack-rents, and Proctors, and Middlemen, and Agents, worse than both, the commotion spread instinctively, as tall and withered grass along the adust plain catches fire by friction.

In this mighty turmoil, the Ministry of Ireland was partially altered, the sunny hour again opened, and hope beamed on the Irish people. Formerly the proscribed, in idle expectation, counted their friends in the Cabinet; but now the superficial thinkers recognised an Irishman the Chief Governor of Ireland. Beside, W. C. Plunkett was Attorney-General instead of Mr. Saurin; but then H. Joy, whom Mr. Ellis eulogised at a Corporation dinner, was Solicitor-General instead of Mr. Bushe; and Mr. Grant's place was supplied by Mr. Goulburn. On this shewing, it was obvious that the change of rulers, in respect to Ireland, did not affect a unity of measures; they were displaced by Ministers, as cards, when adverse, are changed by gamblers, though they continue the same game, and knave and king are repeated as before.

The hope of better times was soon dispelled by a very great personage, at a public dinner in Dublin, declaring, that the Marquis of Londonderry had the interest of Ireland especially at heart; and the conduct of rulers converted the transient expectation into permanent grief. Though one Special Commission had despatched a dozen wretched men—most wretched—*for the Minister declared*, "that pressing need and distress *were the source of the calamity*."—(Times, Feb. 8, 1822)

Though another Commission was in dreadful preparation, and corps of yeomanry were placed on permanent duty, and the military increased by draughts from England, the Government of Ireland demanded from Parliament the suspension of the *Habeas Corpus Act*, and that the Insurrection Bill should be re-enacted. It was asked, what measures of kindness shall accompany these measures of coercion? The answer, *none*—force alone is suited to the exigency. To conciliate would be pernicious mean truckling. Such are the Statesmen who are to redeem Ireland from five centuries of conquest, from the evil of forfeitures and confiscations of immense extent, and of the same territory, thrice repeated in a few years, and from a throng of political monsters, spawned amidst unmitigated horrors. Yet no measure of kindness shall accompany the penal commands—it is beneath the deputed administration of Ireland. Really, then, do they not know that a British King parleyed with insurgents, and concluded treaties with subjects in hostile array? To be sure the King did not keep his word—and he can do no wrong. If brute force is the sole remedy; if the law of the Norman conqueror and the curfew are to remain sovereign acts in the Irish statute-book; if the Irish are to be beset, way-laid, trepanned, exposed to arrest if abroad, and to nightly violence if at home; if prisons, exile, and death are the summary sanctions of such mandates, and that this complication of high pressure engines are necessary to work the government of Ireland, why no inquiry into the cause of this unparalleled situation of affairs? To act first, and inquire after, though preposterous, evinces repentant error; yet this sorrowful proceeding is considered too great a departure from the customs of the Anglo-Irish Government to be adopted, after a repetition of the same blindfold measures, and a thousand successive failures. Inquiries into the state of Ireland have been frequently proposed, particularly by Sir John Newport. This year he renewed the motion. To this Mr. Goulburn objects, as it might induce a surmise that the Irish Government neglects to provide for the *tranquility* and *welfare* of Ireland —(*Times*, April 23.) Then is the Irish Government more immaculate than the apprehensive virtue of Cæsar's wife, and the imperial legislature, true to its principles, at once prefers the tender sensibilities of the deputies of the English Administration, to the actual well-being of seven millions of men.

Mr. Plunkett voted against inquiry; Sir John Newport, conjecturing that a Patriot, on becoming a Placeman, lost his identity, pre-occupied the Attorney-General's reply, by quoting passages from Mr. Plunkett's speech in favour of inquiry on a former occasion. Mr. Plunkett having descanted on consistency of character, answered, "the motions were not *exactly* similar, nor brought forward in similar circum-

stances."—(*Times*, April 23.) True—*omne simile non est idem*: and if inconsistency is to be excused because times and circumstances do not *exactly* coincide, every sordid wretch, from the first to the last renegade, may be justified. Whatever want of sameness appears on the two occasions when inquiry was proposed, it certainly added to the force of the present argument for inquiry; for the evils of misrule are aggravated and outrageous. "Men were executed in immense numbers, and the disturbances continued."—(Mr. Plunkett's words;) the Searching for Arms' Act renewed, the Insurrection Act (the precursor of the Union) renewed, and one hundred witnesses guarded in the goal lest they should be torn to pieces by the public. Yet, no inquiry, said Mr. Plunkett; we have a great and good King; his visit has tended to reconcile the jarring elements—yet, truly, to blazon the obduracy of one party and the submission of the other. No inquiry; the King has added to his acts of reconciliation, by the mission of the Marquis of Wellesley to Ireland; and yet Lord Liverpool said, that in respect "to the procession, and every thing that had occurred on the 12th of July, was not only contrary to the opinion of the Noble Marquis at the head of the Irish Government, *but to his utmost endeavours*" —and yet, no inquiry. The Administration, said Mr. Plunkett, has my confidence, though the late Lord Charlemont, Mr. Plunkett's patron, long since lamented that the state of Ireland remained without investigation or inquiry—(*Hardy's Life of Lord Charlemont*)—and when was inquiry without considerable benefit? The inquiry into the Courts of Law has developed many enormous offences, and some in the highest departments of justice. The inquiry by the Finance Committee, and a Committee selected by the Ministry, laid the foundation for numerous improvements in the receipt and disbursement of the public revenue; and what is more in point, the inquiry into Ilchester Gaol, though vouched as a model, by itinerant teachers of humanity and the visiting Magistrates, (English Magistrates)—exhibited an aggregate of crimes—torture by thumb-screws, &c.; and Gaoler and Chaplain, the representatives of Church and State, were confederates in the mischief.

That Mr. Plunkett should just discover the evil and indelicacy of investing the state of Ireland when he became Attorney-General, is easily understood; but observing the ampleness of his eulogy, the difficulty is, how the same man could at any time have considered inquiry less mischievous than he who recorded the fate of fifty thousand and three score and ten Philistines who dared to look into the ark of the Lord. The Attorney-General is panegyrist—universal of *the entire reigns of* George the Third, and George the Fourth; *of the latter, goodness* and *greatness* are the characteristic

—the former he called, "a reign of continued kindness."—(Speech at the Commission at Cork.) Pursuing the same theme, in the detail, he asked, "were the rights, the laws, the free trade which had been given her (Ireland)—were these things nothing? And had there been any disposition on the part of Government to the granting of these immunities, *had not the Government been most forward in bestowing them?*" Hear this you fallen host of Heaven! for you are now evicted of your title to matchless effrontery. What!—the Government forward in relieving the Irish, when the penal and poisoned arrows were wrung from their festering wounds at last, when the body politic was in extremity! The Government most forward in bestowing a free trade! Do sense and apprehension cease with the attainment of official station?

The free trade was snatched in fear, and the Government attempted to reseize it in 1785, under that infamous measure "the Irish Propositions." The Government most forward in bestowing *rights and laws* in Ireland! How has Mr. Plunkett mingled the waters of memory and forgetfulness in his passage of the Stygian pool? Is Mr. Plunkett the only man in Ireland who has not heard of Mr. Grattan's motion for the independency of Ireland—of its rejection, of the volunteers, and their declaration, and of a favourable message from the Crown in consequence? If the Government were forward in granting the boon, we must conclude that Mr. Grattan, Mr. Plunkett's dear friend, made no exertions to achieve the object; and yet, his services, on that occasion, were requited with a patriotic gift of fifty thousand pounds. The independency of Ireland was recognised when 70,000 Irishmen were in arms, and when the confederacy of France Spain, Holland, and America, menaced the shores of Great Britain. Every casual relief has been wrested from Great Britain in times of great danger and dismay; and frequently a transient good has been retracted, and an abstracted evil reimposed with hideous aggravation.

But it is said England has undertaken to pay the National debt of Ireland—*no*, the National debt of England! Ireland had no interest, and no will, respecting the war and its expenditure; but if she had, England has virtually undertaken to pay the debt of Austria—and yet Austria is not bankrupt, which Ireland is. England became responsible for the debt contracted in Ireland by England's order, after the interest of the debt, including the Sinking Fund, exceeded the net revenue of Ireland by 1,885,472*l*. After having imposed Excise Laws, which led to confiscation and disinheritance; after doubled taxes were followed by a reduced revenue. But the hearth tax was abandoned, and so it was in England at the Revolution, and the window * tax was also abandoned

* It is said the Assessed Taxes are to be abandoned—in five years they are fallen nearly a half, by emigration and distress.

this session—a tax, observe, which has been continued for years after it should have been repealed by the pledge of Mr. Corry, who imposed it; after many thousand horses had been declared insolvent, in Cork, and Dublin; after the Ministry had failed in supporting the onerous goading charge of taxation, great, surely is the boon, to admit a people famishing and in fever, to enjoy without purchase the privilege of light and air. Compare this pitiful topic of gratulation with the conduct of the Romans to the Batavians. Tacitus says, that Rome did not harass the Batavians with taxes, or tax-gatherers; they were exempted altogether from imposts and tributes. (c. 29, *de Morib. Ger.)*

The English Government, it is said, vauntingly admitted the importation of Irish grain into England, that is, the absentees, greatly encreased by the Union, were enabled to draw their fortunes from exhausted Ireland in kind; which, at the same time, relieved England, when grain arose to a famine price in the British market. Shew me one instance in which the English Government has granted to Ireland a positive good that might eventually be to herself a possible evil.

But it may be said, that the most terrific laws against the Catholics have been repealed; yes, and public opinion has rendered them obsolete long before the Legislature blotted them out of the Statute-book; besides, the Catholics are privileged to vote for a Protestant, who may, if elected, become one of a hundred Irish members, amidst five and six hundred British. The benefit of such a minority, many of whom are elected by British patrons, is not obvious; but the advantage of a vote for one of the one hundred, amidst many hundreds, would require the philosopher's estimate, who counted in sport the sands of the shore. Yet is the world composed of atoms; and Lord Castlereagh, who was so proud of being an Irishman, esteemed this fractional grant of such moment, that he declared in Parliament, it obliged him to withdraw himself from the advocates for parliamentary reform.

Yet is the misery of the Irish, under the domination of the English faction, greatly aggravated by the advance of opinions and institutions throughout the world. In different countries of Europe, sects and religions were persecuted by Governments which now treat them with confidence; and at the Congress of Vienna, it was universally and fully recognized, that religious opinions should not control, interrupt, or distinguish individuals in the enjoyment of civil and political rights. So formerly in France, the Hugenots were persecuted, and afterwards refugees; yet, now, they sit in the French Legislature. In acts of courtesy also, they share, *according to their relative* number, the kindness conferred *on the Catholic population*; for when marriages were cele

brated in honour of the baptism of the Duke of Bourdeaux, the orphans endowed by the city of Paris, were chosen from Catholics and Protestants—(*Times*, May 2, 1821.) Russia, Sweden, Germany, all exhibit an equitable and philosophic liberality: even in the town of Augsburgh, where sectarian zeal might be supposed to flourish triumphantly, the Protestants and Catholics have long since divided the government of the town, the Burghers consisting of equal numbers of either religion, (An. Register 1761, p. 118); while in these countries, Great Britain and Ireland, Sir J. Nicholl declares, "the Constitution, as at present established by law, excludes Roman Catholics from any share in the political power, or the public trust of the country."* (*Times*, March 20, 1821.) Such is our glorious Constitution, and the practice of those imps who are favoured by its iniquity, exceed the malice of the law.

This is the British constitution—the glory of our own, and the envy of surrounding nations such the law—the perfection of reason. Six millions in seven of men are rejected, dogmatically, as reprobate, and this is called just, wise, glorious, perfect; if so, lying and language are synonymous. Insult and outrage, and all prodigious things, have been exhibited on Ireland as on a theatre—and how long has this tragedy been acting? Count the ages ye antiquarians; for Catholic and Irish are denominations of the same wretched people? How numerous are the sufferers? For the Irish, as the Jews in the land of bondage, multiply exceedingly. And, oh! most humiliating thought, while Ireland rapidly declines, its legislature extinguished, its nobles, gentry, and proprietors gone, and hideous laws are renewed or originated, other nations, hitherto oppressed, stand on the start for freedom; others achieve the prize, while the revolutions of Spain and Portugal prove that the greatest changes may be effected with purity, and in peace. All tribes, casts, and colours, advance, except Ireland, which alone Retrogades. Peruvians, Mexicans, Columbians, Creole Negroes, spring from helpless subjection to self government and equal laws.

Ireland presents no new features; the lineaments are the same, though time and infirmity have deepened the sadness of their expression. A century ago Primate Boulter exhibits the temper of the sub-rulers in Ireland, and certainly the feelings then, as now regarded its strict subserviency to Britain, (*Letters of Primate Boulter*, p. 16.) At the same period also, 1727, Boulter speaks of "the terrible scarcity next to famine, that a great part of the kingdom labours

* No Roman Catholic is a Bank Director; Sir John Newport wished a clause should be introduced in a Bill, that they should be declared eligible to seats as Governors and Directors; the House of Commons negatived the proposal, by 35 to 14. *Times*, June 14, 1821. So in the Guilds of the City.

under, by the corn not yielding well last year, and to which we are liable upon any the least accident in our harvest," (p. 151.) In this account there is no complaint of an excessive population—none of the ruinous nature of potatoes for food; for the Primate talks of barley costing in some instances 6s. the bushel to make bread of (p. 172) At this time potatoes were comparatively a small portion of the sustenance of the people, and similar distress was common in Ireland, when the population was few—before potatoes were known, and when a thinly scattered people lived by pasturage, which Spencer calls *boolying*—(State of Ireland, p 82.)

It is indifferent whether the people be few or many, whether they eat meat, grain, or pulse, misery and bad Government are as necessary as cause and effect, and bad Government, in some respects the worst, has been the perdition of Ireland up to this hour. Ireland has been governed fraudulently and despotically; Ireland was seized as a conquered country, and it has been ruled by the laws of war. Be not startled, I have good authorities for the assertion, and I shall not task the memory of the reader on this point, by Records, beyond the last Session of Parliament. Mr Goulburn said, "that any man in his senses must admit that the earliest Government of Ireland, or he might say its early conquest was the original cause of all the evil under which it now laboured. That conquest was conducted upon principles different from those upon which all other conquests had been acquired and preserved. No attempt was ever made by the conquerer to amalgamate with the conquered; on the contrary, every measure was adopted that could keep the two parties distinct and separate, and thus was laid the foundation of mutual hatred, which was handed down by one generation to another, as a sacred duty."—(*Times*, April 23, 1822.)

On the same evening, the predecessor of Mr. Goulburn, Mr. C. Grant, said, "If he were asked to point out the great cause of the evil scheme of policy pursued by England towards Ireland, he would answer in one sentence, that it was produced by the Government of Ireland being extrinsic to the people, and not sympathising with them. It had been originally brought upon them, and down to a later period, 1782, had been supported by foreign force and foreign fraud. The only mode in which the Government in Ireland was kept in being was by the English military. From the reign of Henry II. to 1782, he would venture to assert, that no Government could have stood a month without that support." Here we have the opinion of the two last Secretaries, that conquest, and the consequence, military force, have caused the calamities of Ireand.

But why did Mr. Grant's courtesy stop his remarks at 1782? *About that period a* non-descript force was raised, called fen-

cibles, to support the Government, and prior to the Union the Insurrection Act was passed—and during the eventful era, military law was the presiding code; since that period the military have not been diminished. Lord Palmerstown said, "that the army of Ireland stood rather in a state of war than a state of peace."—(*Times*. March, 1821.) Yet, in this year, 1822, the army is increased, while the permanent Barracks amount to 187. Beside the searching for Arms Bill, which disarms the population, has been re-enacted—a law unknown to feudal barbarism, when the right to carry arms distinguished freemen from slaves.

Then, has not, and is not Ireland governed by the military, as it had been prior to 1782? In truth, the effects of the conquest of Ireland: its military domination is now more intense than formerly. It is so felt, and so acknowledged. The magistracy is dishonoured, the constables discredited, in order to introduce the Military Police (*a*) Bill, and stipendiary Magistrates which must eventually, if admitted, extinguish (*b*) the last remains of civil regulation.

What a country is Ireland? For five centuries it has been the victim of a blind and barbarous policy;—an iniquitous law is followed by a cruel execution, and this, while in other countries the law is mitigated. The rage for punishment has so perverted the apprehension of rulers, that a Legislator called the Insurrection Act an Act of mercy. The Judge who presided at the last Special Commission at Cork, reputed the Whiteboy Act humane; and Mr. Plunkett, on the same occasion, spoke of the mercy of the Crown, when, of fourteen convicted, *two* were repriered. Added to these horrors, the criminal excesses of the Ministers of vengeance are indemnified in the gross by the law, and this at one o'clock in the morning, by a dozen Members—(*Denman's Speech*, *Times*, March 5, 1822). Yet, is this less iniquitous than the present Insurrection Act, which contains a clause, by which the injured party is prevented from any redress against Magistrates, &c., whatever be the illegality of their conduct. Yet wonder is expressed that the Irish are not tranquil, and that they do not respect the laws. How can they respect disreputable laws and a partial magistracy. Were the Irish peaceable, they must pray "deliver him that suffereth wrong from the hand of the oppres-

(*a*) This is called the Constables' Bill. Lord Liverpool said "it would improve the condition, and promote the tranquility of Ireland."—*Times*, *June* 15.) Mr. Goulbourn proposed this measure to the house "as the opening of a new era for that country."—(*Statesman*, *June* 8.) This is the very expression of the present King when he assumed the Regency. Mr. Plunkett, who taunted Mr. Hume for his vulgar arithmetic says it will be, though more expensive by 40,000l. than the ancient system a great saving, as it will amend the morals of the people."—(Statesman, *June* 8, 1822.)

(*b*) The Magistrates of character will not act under such a system. When a Police Bill was in partial operation, Mr. Wilcox declared he could not obtain police [illegible] from the Magistrates.

," but this is the sorrowing of a broken heart, a degra-
ion that they have hitherto escaped; yet no people suffer
ualities with more cheerfulness and fortitude. Mr. Peel,
ıding to the distress in 1817, said, "that under the severest
ssure of privations, perhaps unexampled, no people ever
display more endurance, resignation, and magnanimity."
ain, what people more affectionate. Lord Redesdale, no
ron of the Irish, having reprobated the conduct of land-
ls and Magistrates to the poor, testified most favourably
the dispositions of the Irish, *when treated with kindness
l attention*—(*Times*, Feb. 11, 1822); and a greater au-
rity than both, Sir John Davies, affirmed, that he knew
country which loved justice more than Ireland, and none
re attentive to it, *provided the people are protected by the*
. And who can love the law which capriciously dividing
people, adorns with honors and offices one party, and
matizes the other? It is possible, that those who are re-
led and maltreated, can revere laws enacted in vengeance,
with invectives. We hear the Irish abused for their pov-
y, waywardness, and enmity to Government. What would
e been the state of England and her people, had she suf-
d the calamities which have been heaped on Ireland. En-
ıd was conquered by William the Norman, Ireland by
ary the Englishman. Suppose that the Norman and his
cessors held his Court in the capital of France, and that
gland, up to this day, had been ruled by Viceroys from
is. Suppose that the laws and policy of the dominant
nch party declared the unity or connexion of English
French penal—that beside wars and forfeitures eleven
ts in twelve of all England were confiscated in the 17th
tury. Suppose a penal code, which Lord Liverpool ad-
to have been *the most nefarious and abominable that
existed*, (*Times*, April 18,) had been for ages the law
England, as it had been of Ireland. Suppose that by
chery, equal to the infraction of the treaty of Limerick,
parts in ten of the English—the proportion of the Irish
the English, were disfranchised from Parliament—that
Parliament nominally representing a tenth of the popu-
on, yet really composed for the most part of Frenchmen,
heir nominees and dependants, being indisposed to second
he nefarious commands of its masters and patrons, was
liered by force and fraud—that an union of the coun-
was imposed on the weaker country, by which England
her resident proprietors, who carried with them to Paris
ird of the rental of the country, that with loss of pro-
tors, rents, tithes, and taxes multiplied. Besides all this,
pose that the English conquest in Ireland was fully reac-
by the Normans in England, and remember the propor-
*of the population of England to France is nearly the
as of Ireland's to Britain*, what would have been th

situation of England now, had such been her persecution. What was the situation of Scotland, which endured for a short time, and in a small degree, the tyranny which England has inflicted on Ireland for ages? England attempted to force Protestanism and Episcopacy on the Scotch, as the English have successfully inflicted on Ireland: in short she endeavoured to rule Scotland as she had and has done Ireland. In consequence, beside insurrections, tumults, rebellion, Scotland, toward the close of the 17th century, was visited as Ireland is now by famine, and so continued was the distress that three years after, Fletcher of Salton, calculated that out of the scanty people of Scotland, not less than two hundred thousand individuals were wandering beggars.

Such have been the tremendous visitations by brutal rulers on conquered Ireland; nay more, all those not of the English faction, were excluded from property and education, and in the bosom of families spies and informers were encouraged by great rewards, that is, as far as laws could prevail, the Irish people were condemned to beggary, and barbarism, and *disnatured* beyond savageness itself, and yet they are reviled! Even now, every circumstance which should connect man with the Government—equal laws, justice, native rulers, domestic legislature; all which attaches men to property, comfort, sympathy from the opulent, and a re-issue of rent by the landlords to those who extract the produce of the soil is scarcely known in Ireland—for the legislature and the laws, and the proprietors are all extrinsic to Ireland, and rents are collected only to be swept off in masses, never to return. Yet what is proposed for these evils? A repetition of despotic laws, and the Military Police Bill. This couples dotage with drivelling. Add law to law, make every offence capital. Let not Draco's, but the Irish code, be the sanguinary beacon. Go farther, repeal all laws, make the Marquis Wellesley as wilful in Ireland as Ali Pacha in Greece—think you that tranquility will follow? The Greeks, at the risk of extermination, are now in arms against the Sultan, so the Cypriots (c) formerly, jaded by the tyranny of the Venetians, abandoned themselves to the Turks. He that hopes no good, fears no evil. It is said what can you insurgents effect? You who say so, talk of reason to those whom you have prevented from thinking; you have left them nothing but passions, and their hatred of your power is stronger than all the rest. Rail as you please, resistance and enmity have been implanted in man's nature, to protect man's liberty, they proceed from feeling. (d) Sully,

(c) Paruta says, di mutar imperio, per mutar insieme fortuna et condition lib. 1. p. 6.

(d) Pour la populace ce n'est jamais par envie d'attaquer qu'elle se souleve mais par impatience de souffrir.

the great Minister of Henry IV. of France, said the people are never insurgent except from intolerable suffering. To punish in such circumstances, is to punish sense, and make war on the sensibilities of mankind. Governments, and none more than that of Ireland, call those who protest against their misrule by the only means which their situation affords, *seditious;* yet this is the very epithet applied by Plato, not to the disturbed people, but to their noxious Governments. Speaking generally, the philosopher says, (I use Taylor's version) "for no one of these is a polity but all of them may with the greatest rectitude be called *seditious*, because in these the willing never rule over the willing, but over the unwilling, and this always with a certain violence, and in these, as the Governor fears the Governed, he never at any time suffers them to become voluntary, good, rich, strong, brave, or altogether warlike."—(*de Legib lib.* 8.) Truly those are the seditious who provoke sedition, and who in defiance of all history, and particularly of the records of Irish history, pursue the same inveterate and perverted course. Those are the criminals who in despite of human nature, and uninterrupted experience propose the means and the agency of mischief.

Wretched Ireland—most wretched, you who possess a greater population than England when she resisted Spain and the Indies, and the invincible Armada, sink in the western hemesphere, while other countries peer in the east, or ascend the meridian, and the same hour which lights them to liberty, consigns you to darkness; you are the sport of Ministerial delinquency, so little are appearances regarded since the Union, that the *habeas corpus* act was suspended last session, without any reason assigned or assignable.—This is part of a system, in 1819, when England was in commotion, and severe laws were passed; the worst of them were transferred to Ireland, though Lord Castlereagh, on introducing the bills, declared, that he felt a pride in being able to state, that Ireland was never more tranquil!—(*Morning Chronicle*, November 30, 1819.) Why, it was thought monstrous, and the officers of Bethlem Hospital were dismissed who applied periodically the same treatment to those who were diseased and convalescent, and remark, when a member, Mr. C. H. Hutchinson, expressed his surprise at this incongruity of visiting the peaceable with the laws specially applied to the outrageous; all reply was stopped by coughing, and a cry of "*question, question.*"

This cannot continue—the subject of Emancipation may be defeated by those juggling fiends who "hold the word of promise to our ears and break it to our hope;" the question *of tithes may be postponed*, enquiry may be negatived; Mr. *Peel may receive* a notice for the repeal of the union wit

amazement, and call that flagitious deed a solemn compact, the Ministry and the English Parliament may repeal every civil defence—they may with yeomen, and military, and police, and barracks, circumvent the Irish, as wild beasts in the Roman amphitheatres, still the world, by its political improvements will redeem this country, even if England should not renounce the expensive, odious, and desperate responsibility of misgoverning Ireland. For this year, to the military charge which nearly equals the whole expenditure of the United States of America, is superadded a million to feed a starving, and repress an insurgent population. This England cannot support; physicially or financially it exceeds her power. Moral authority she has none, the popular feelings of the world are adverse to her—she is leagued with despots, and by her Alien Bill she has dwindled from riot-master to be keeper of the watch and ward for the Holy Allies. She cannot control the Ionian Isles without disarming their people. Canada refuses the supplies—the upper and lower divisions are condemned to be united—united or separated, they cost England half a million annually, and they will soon be absorbed by the expanding influence of the United States. Such is the English Government in its foreign relations, while at home the universal cry is economy and reform. Reform first adopted by the manufacturers, whose minds were strengthened by collision, soon became the common hope of the yeomanry of Britain, and the landed proprietors at last have joined their voice to that of their tenantry, capital and rents being both swept away by the war for legitimacy; and as the distress continues, the tormenting motives for reform quicken with unmitigated fury. In this situation, involved abroad, beset at home, the English Government cannot hold in thraldom the greater portion of seven millions of men, who, urged by the impulse of the world, have learned their rights, and who must, with the march of events, authenticate their knowledge by their strength and numbers.

After this review of the state of Ireland, I recur to those remarks with which I commenced this address. Surely, my countrymen, you will not court another annual insult, and petition to have your truth decried in the Commons by a call for securities, and then to be spurned by bigots and Bishops in the Lords. If, in reality, your success was desperate hitherto, it is now hopeless. Some dupes expected wonders from the condescension of his Majesty—his visit to Ireland—his paternal letter, and the lures and delusions which seize the unpractised in the *(e)* duplicity of courts. Yet were

(e) Marquis Cornwallis, by public advertisement in the Newspapers, disclaimed the dedication prefixed to a history of the Irish rebellion, but soon after this historian obtained the office of Collector of the Excise of Dublin from the same Marquis. Mr. Giffard was dismissed from a situation he held, of Gauger on the Custom-House Quay, by Lord Hardwicke, for a seditious speech, insulting the Catholics—he was soon after placed by the Duke of Richmond in a higher situation, that of Accomptant

ose weak men shocked and mortified when they heard the eech of the Marquis of Londonderry, who at the opening the Session expressed a hope that *the Catholic body would t mix up their disabilities with the great paramount object enforcing the law.* That is if you Catholics urge your ims, you support insurrection. So said Mr. Plunkett, in nysterious tone—"some circumstances of a public nature re so obvious that it was unnecessary to touch upon them, did not think the state of Ireland at this time such as to rrant the friends of the Catholics in pressing for an early cussion of their claims—he did not think it a desirable ex- riment unless there was a moral certainty of success. The arer he approached to the final accomplishment of the ject, the more tremulous was his feeling with respect to "—(*Times*, March 30.)

This is the true novel style, at once obscure and sentimen- . Thus then the Catholics are told they must not press eir claims, because a part of their countrymen are insurrec- nary—though Lord Liverpool, (1) Mr. Goulburn, (2) the arquis of Londonderry, (3) and Mr. Plunkett, (4) re- atedly asserted that these disturbances were not contami- ted with a particle of religious feeling—If Catholic Eman- ation is to be deferred till Ireland be at peace, and *till there a moral certainty of success* which certainly is to depend the *tremulous feelings* of Mr. Attorney-General, a cause re derelict and hopeless never did maniac imagine. Irish- n, will you petition? You are degraded—that is your misfortune; but do not make your misfortune merited by grading yourselves.

Though this is my advise to you, let it not be supposed t I object to the question being mooted in Parliament. The quisition of all political rights is pregnant with good, it voke inquiry and strengthens the general intelligence. nen the puritans disputed, certain religious dogmas, poli- al maxims, equally the creatures of bigotry and imposition re disturbed, and the arguments respecting Negro slavery anced the white man's freedom; so, of all other topics of

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eral, with a larger salary. Mr. Kingston James was the first man, after the ter Stone-cutter, who publicly disobeyed the King's letter, to insult the people the country; the first act of the administration of the Marquis Wellesley, was ake Mr. Kingston James a BARONET!

) "There was nothing politic in the nature of the disturbances, this was a fact h could not be disputed."—*Times*, February 11.

) "Those disabilities were not at all connected with the present disturbances in nd."—*Times, April 22.*

) "He was happy, nevertheless, to be able to say, that as political feeling was mixed up with the existing disturbances, so religious animosities had no connec- with them."

) "The unfortunate persons who were engaged in this design, directed their ts against both Protestants and Roman Catholics."—Times, April 23.

d again he said, "he did not believe that it (Emancipation) had a jot to do the troubles which at present were agitating Ireland."—Times, July 9.

human interest, Mr. Canning's motion last Session, for the admission of six Catholic Peers into Parliament, promoted the general cause, beside, it refuted Mr. Canning's former eulogium on spies and informers—for the plot of TITUS OATES the informer, was then admitted to be the cause of the 30th of Charles II. by which the Catholic Peers, for whom Mr. Canning pleaded, are still excluded from Parliament, an iniquity by an informer, against which, after a century and half, Mr. Canning's eloquence is raised in vain.

The issue of the Bill, also, is most material to the position I inculcate—the hopelessness of petitioning Parliament; though it is said the King sincerely wishes Catholic Emancipation, though a minor question is submitted in 1822, the majority of the Lords against Emancipation is greater in this, than in the former year; and observe, so determined was the Leader of the Opposition, in the House of Lords, the Lord Chancellor, that when a disposition to drop the Bill was intimated, he declared peremptorily, that it should be brought forward—(*Times*, May 31)—in order that it should be triumphantly defeated. After so many reasons, confirming the senselessness and fatuity of hoping that the Irish Question can succeed in an English Parliament, I may add, though it is unnecessary, that your advocate, by losing his political character, has absolutely abandoned your cause. Mr. Plunkett's character before doubtful, is now unquestionable.

"Behold how the world is wain'd around,"

said Sir J. Davies, another Attorney-General, in his poem on Dancing. Yet Mr. Plunkett declared, at his re-election by the University, that he had not *made the least compromise of his principles*. He said the same in the House of Commons, in a more subdued tone. Now observe, Mr. Plunkett was introduced into Parliament by Lord Charlemont in 1797 or 1798, as a zealous Whig and an opposer of the Union, and he acted the part assigned him with great indignation—it is said that he even followed the example of Amilcar when he devoted his son to avenge the Roman tyranny. Alas! poor Hannibal; alas! Amilcar, he is now the firm friend of the Union, when all sicken under its misery.— Yet is Mr. Plunkett consistent in this; for in his defence of the Manchester Massacre, he held that liberty was law.

But for the last change. In 1821, Mr. Plunkett sat at the opposition side of the House, and in introducing the Catholic bill, he passed a panegyric on Horner, Whitbread, Pigott, Romilly, Ponsonby, "the constitutional leader of the ranks of opposition," yet in 1822, he changes his side without any conceivable offence from his party, for they were politically dead or inert during the interval, and he and the Grenvilles and the Wynnes became simultaneously placemen and confidants of the Tory Administration; that is Mr. Plunkett

who was patronised by Lord Charlemont, a zealous whig, who presumed to follow the steps of Grattan—who, in 1821, eulogized the leader of the whigs in Parliament, deserts that party, becomes a placeman and conjunct with tories, with a Minister who effected the Union, with an administration which betrayed Lord Fitzwilliam and his party, and which; I should rather say the remnant, and refuse of which, actually dismissed the Whigs from their Government, by the cry of "no Popery." Yet Mr. Plunkett talks of his *consistency*. Then, are all his former party, who have not accepted places inconsistent, Sir John Newport, and the rest. The conduct of Sir John Newport and Mr. Attorney General, is violently contrasted in the last Session. Mr. Plunkett voted against all inquiry into the state of the nation—in favour of tithes and parsons—for the Military Police Bill—and against bringing forward the Catholic Question. On the contrary, Sir John Newport voted for inquiry, and against tithes—against the Police Bill, and for discussing the Catholic Claims. He said, "he wished to state, that he looked at the Catholic Question in a light directly opposed to the view of the Attorney-General. The state of that country seemed to him an additional reason for bringing forward the measure without delay."

Irishmen, can your cause succeed under this man's advocacy—is it not certain that your emancipation perplexes the Government? But Mr. Plunkett is part of that Government. Will he adhere to you, or his new associates?—Will he be true to you, who has not been true to himself or his party, and his intimates who formed it. He knows nothing of you individually; he cares little for you; he can care little for you who does not love liberty above all things. Liberty he loves not, who made that execrable speech on the Manchester massacre, and who defended this Session the Alien Bill and the confederated despots of Europe.

Then, my countrymen, since your cause as Catholics is hopeless, be instructed by your enemies, and, exalting your ideas and your object, regard the emancipation of your country. Let no one call this advice new and revolutionary; it is as old as the 14th century. Moryson's account of the love of independence is curious—"The English-Irish or English Colonies, being degenerated, first began to be enemies to the English and themselves; calling a Parliament, wrote to the King (Edward III,) that they would not endure the insolencies of his Ministers," &c. The same spirit was repeatedly exhibited. Primate Boulter wrote, in 1724, "our pamphlets, and the discourses of some people of weight, run very much upon the independence of this kingdom, and in the *present state that is* a very popular notion." Such were *opinions and feelings of the* English-Irish, in respect to Ire*land, in times of comparative* darkness; and shall a fe

scattered foreigners, casually transplanted into Ireland, as agents or servants of the English Government, in a barbarous period, have more zeal than Irishmen in this age of illumination, and in their pride and strength for the soil of their ancestors.

I have quoted the expressions of Mr. Grant and Mr. Goulburn last Session, confidently and truly stating, that the conquest of Ireland, and the means used to support that conquest, have been the cause of Ireland's misery. Having ascertained this fact by unimpeachable testimony and demonstrative argument, the adoption of such measures as shall *disconquer* Ireland, are the remedies, the only remedies (and all other measures are weak and wicked) to counteract the evil.

The primary measure of *disconquest* is, to conciliate the parties and factions which the conquerors have hitherto fomented, first as English and Irish, and afterwards as Protestant and Catholic, to continue their tyranny over the Irish nation. Sir H. Sydney, so early as 1567, condemned what he called *the wordly policy of keeping the Irish in continual dissension*, and verily, up to this hour, the empire of chaos, before the world was organised, faintly represents this country—it is "confusion worse confounded."

The next measure for the disconquest of Ireland is equal laws. Yet in no part of the world have the laws been so inequitable. The Jews, who exalted themselves above all other people, said, "one law shall be to him that is home-born, and to the stranger that sojourneth among you."—*Exod.* 12, 44. But in Ireland, the home-born suffer that inequality and depression which the Hebrew law forbid to be inflicted by the home-born on the stranger; and so perversely impudent is the Irish law, that the few are honoured and rewarded, and the many rejected: and on this aggravated exasperating principle is founded the whole code, and the policy and administration of affairs.

The third measure for the disconquest of Ireland is the abolition of tithes. This subject requires a few remarks, from its importance; but the arrogance with which this rapacity is upheld, provokes them. It is said that tithes are the property of the Church. The Church, before the institution of tithes as a freewill offering, and afterwards, signified a congregation of Christians, or, as Fra Paolo Sarpi said, "the Church is only a body of as many members as there are persons who have received baptism."—(*Rights of Sovereigns, p.* 4.) In progress of time the Christian Clergy assumed the title of the CHURCH, as they afterwards appropriated the tithe, which was originally provided for the poor, and for hospitality and religious edifices. Such is the origin of the Clergy as the Church, and of their right to tithes, a right, it is said, equal to any man's right to his acres; which means, I conclude, that the pretensions of both are founded in law. Suppose so, then Mr. Wright, who informed against 260 Clergymen as non-residents, was equally entitled to the penalties under the Act, as the Clergy to their tithes; yet the Legislature stultified itself, and extending the benefit of clergy, to

Wright without his wages, in order that the Clergy might sin without ontrol.

Suppose tithes are property. is that the reason which should prevent the egislature from interfering with their operation, and particularly in reland, where the vote of agistment freed all grass-lands from tithes—vhere Lord Castlereagh, the Attorney and Solicitor-General, introduced . Bill, and had it passed, by which all arrear of tithes was declared to be atisfied. Besides, what should exclude tithes, supposing them property, rom Legislative visitation ? All acts of limitation destroy a pre-existing ight to property ; canals are made, streets enlarged, in despite of roprietors, because a partial inconvenience shall not countervail a general ood. Then, why should not tithes be commuted or abolished, when heir perniciousness is radical and universal, converting the Ministers of hrist into publicans and sinners, and equally defeating the goodness of od and the labour of man ? for Archdeacon Paley said honestly of tithe, ' truly it is the most pernicious of all taxes," and more pernicious in reland than in any other country on earth. Many, in consequence, of ll ranks and parties, declared this opinion last Session of Parliament.— Not so Mr. Plunkett, convert and placeman—he affirmed that " the lergy are not adequately provided for—that the clamour against them s unjust," and that " they, from the exactions of landlords, are often left o an insolvent fund."—(*Times*, May 18.) Sir John Newport contradicted the whole statement, and appealed to the Statute Book, which ecords, that distress and consequent insurrections did not arise from rents, ut tithes. Mr. Plunkett, in his burning zeal, also said, " on the subject f commutation, which had been talked of, he could not see how it could e entertained without infringing on the general rights of property :" dding, that if tithes be touched, the funds are in jeopardy, and the land one. This is the true Anti-Jacobinical cant, a little too antiquated for hose who have land, and no revenue, after the payment of taxes and ithes. Mr. Plunkett, rising in his might, said, " the cry against he Clergy *always* appeared to him illiberal and ill-founded." —(*Times*, April 23.)—*Always* ! had not this man a contest especting his own tithes ? *Always illiberal and ill-founded !* Then, how great an offender was Henry Grattan, that dear riend over whom he mourned ? *Illiberal and ill-founded !* ' Hear it ye winds, and bear it on your rosy wings to Heaven." Mr. Grattan offered to prove, that tithe of turf was demand-d and farmed, and that poor wretches were dragged as felons o gaol, for not complying with such demands ; he offered o prove, that tithe of wheat was charged 19s., potatoes, 20s., meadow, 7s. ; and that in 1786, the demand of tithe absolutey exceeded the rent of the land—and that rent a rack rent ! Mr. Grattan also, said in the uncompromising vigour of his intellect, " that tithes were founded in the days of distress and bigotry, and they are continued in the present enlightened age, through perverseness and wickedness ;" he added, " I augh at the idea, that Parliament cannot interfere in the *business because tithes* are private property. I say they are *public property, to defray* a public expense, which is th *maintenance of the* Clergy."

It is a monstrous and prostitute abuse of language to call tithes private property. The Clergy are Officers of the State, and paid by tithes, the barbarous revenue of rude ages: yet I do not wonder that the Clergy, considering their riches and remissness, should repute themselves Lords paramount, whom none should question or regulate. But we will suppose, for argument, that clerical tithe-takers are proprietors—surely no other than actual Incumbents have this right. The sons of Bishops, the minions of borough patrons, &c. have no inheritable claim to tithe; or if they have—if the father's intention that his son should be Dean—if the Minister's intention that his tutor shall be Bishop, give an inchoate right to tithe, certainly those only who are in being can have this right, and the State has absolute dominion over tithes, in respect to the coming generation.

But I say, that neither nursling expectants, nor Incumbents by promise, nor the holders of one, two, or three livings, are proprietors, but mere officers; and in Ireland, for the most part, undutiful in their vocation, many of them are notoriously perjured; swearing to uphold parish schools, and not doing so. Besides, of 1270 benefices in Ireland, 192 *(a)* want churches, and 507 churches want resident Incumbents. The reasons are obvious—the tithe system is part of the residuary conquest of Ireland, and in many places Protestant clergymen are billetted on parishioners; in some they are imposed as soldiers at free quarters—they are sent, not as Ministers of peace, but of vengeance, to *grind the faces* of a poor Catholic population. Another reason is, that by pluralities, Parsons soon lose all feeling to their duties. One parish is neglected, and then all: besides pluralities and unions *(b)* have so increased the wealth of the Clergy, that they are unfit for their occupation. *(c)* Compare the Incumbent of a great living, and in an ascending series. Pluralists, Bishops, Archbishops, with 20,000l. a year, who are honored as the Idol Bel by the King of the Babylonians; and the

(a) Sir Lucius O'Brien said, that in Clare there were 76 parishes, and only 14 churches; so that the remainder were sinecures.—M. R. v. 38, p. 91.

The Bishop of Limerick told Mr. Wakefield, that there were parishes in his diocese which had never seen a Protestant clergyman.

(b) Boulter, the Primate, said, "that many of the Unions were made without regard to the conveniency of the people, but purely to make a rich benefice." (*Letters, p.* 176.)—This goes on, as appears by a petition presented from the Protestant inhabitants of two parishes in the county of Mayo.—Various Unions to the same effect, mentioned in the *Times*, June 20.

(c) Strafford said, "all the moneys raised for charitable uses was converted to private benefits;" and again, "many of the Church Livings, never so much as mentione in the Office of First Fruits, whereby the Crown doth not only lose which belongs to it, but the church protection and safety."—Strafford's *Letters*, v. I. p. 198. Yet, so little is this reformed now, that the First Fruit Fund, in the last ten years, produced only 3000l.; that is one year's revenue of some single Livings. There was, last Session, a large grant by Parliament to build Glebe Houses which should have been built out of the First Fruits.

moderate and equal salaries without tithe, and the rigid attendance of the Scotch Presbyterian Clergy; yet do these evils increase, and to such a height, that the Grand Juries of different counties, Clare, Wicklow, Queen's County, King's County, Tipperary, Limerick and Armagh, have petitioned for a commutation of tithes.

Though tithe has been so fruitful a cause of enmity and insurrection, never has the Government seriously attempted to relieve the people of this enormous evil. The Duke of Rutland, when Lord Lieutenant of Ireland, in answer to Bishop Watson, (*Life and p.* 154.) who had written to him respecting the disturbances arising from payment of tithes, said, "I will have the whole cause of dispute accurately drawn up for your consideration, where you will see the grievances complained of, which *in a degree* are founded, but which it is difficult to redress, without endangering what *must* be supported!!" Thus this great Borough-holder, with all his prejudices, admits the evil; but it must not be redressed. Hence the promise of Secretary after Secretary, that the question of tithes was under consideration; hence the contradiction of the same Secretaries, to answer the turn of debate. Mr. W. Pole said, in his Secretaryship, that "the Catholics paid tithe cheerfully;" while Mr. Goulburn said, "every man who knew the state of Ireland, knew the difficulty of getting any tithes at all." (May 16.)

These "waiters on Providence" have wearied out the patience of the oppressed, and their insolence has exasperated them. It is said that the Parson seldom gets his tithe. If he draw, does he take less than the tenth? If he compound, should he obtain as much in the conversion price as if he were paid in kind? But what is it to the public whether the Priest obtains the tithe, when the tithe, and more than the tithe, is often levied in money.—Sir John Newport offered to prove, in 1812, that forty acres of potato ground, in the diocese of Cashel, paid five pounds an acre tithe for its produce: and it was proved by the affidavit of Mr. Hamilton of Newry, that Wier, tithe Proctor to the Rev. Mr. Clelland, Lord Castlereagh's tutor, demanded fourteen guineas for less than seven acres of meadow; that seven guineas were offered and refused, and that this tithe Proctor carried off a quantity of hay, which he claimed as his right, for the tithe—"deponent at the same time alleging he was taking more than he was entitled to."—The rapacity increases and extends: new and unusual tithe was lately demanded in the parish of Ahaloo, in Ulster, and murder was committed. In Mayo, an attempt was made to introduce tithe of *potatoes*, against which the Grand Jury *called the attention of* Parliament; and this happened in *this year, when it is said* four-fifths of the population of Mayo *were subsisting on* alms. As tithes increase, the rents fall

which disproves the lie, that if tithes were abolished, rents would proportionally increase, and the poor be unrelieved. In consequence of this immense surcharge, and the distress of the times, a disposition has been manifested by the chief landed proprietors in Ireland, of all parties, Nobles, Members of Parliament, Gentry, Impropriators, (*d*) to relieve the people from tithe; and the nonsensical Tithe-leasing Bill confirms them in their determination.

And shall not the people succeed? The contest, to be sure, is between the rich and the poor, and hitherto the latter have been unfeelingly trampled on. Some years since (1813), a Bill was brought into Parliament to relieve cottiers, holders of small portions of land, from the visitation of the tithe-proctor, the Parson's jackall. Sir William Scott raged, and declared it was subversive of property and the Church. Yet do I say, that upholding such practices is subversive of humanity, and of Christ's Institutions. Would Christ authorise his Ministry to raise a revenue from the poor and the poorest. The distinguishing characteristic of Christianity is the solicitous relief of the poor; yet the reason given why the cottier's field should be taxed is, that the bulk of contributors in many parishes are small, miserable holders, and to exonerate these would reduce the Clergy's revenue. This is the reason given by Parsons and their friends, in a Christian country, for muleting the holders of plots of ground and potatee-gardens. Is this agreeable to the Christian religion? and what avails the permission of the civil law to take a tenth, if taking it controvert the positive injunctions of the Gospel?—To harass the poor is homicide; and, in emphatic language, he that does so is *a man of blood.*

After Christ's authority, a thousand times repeated, it is unnecessary to say, that to tithe the poor contradicts the law of Constantine, the first Christian Emperor, who prohibited the taxgatherer from molesting the poor agriculturist.—(*Code Theod. lib.* 2. *tit.* 3 *leg.* 1.) It also practically contradicts the law of England: for in Ireland, wretches support the Parson, who in England would be supported by the parish.

Nothing imaginable equals the rapacity and vengeance of the tithe-takers. In Ireland, tithes are farmed: yet the public revenue so raised formerly in this country, was altered by Lord Clarendon, who stated, that, "by this practice, the poor are miserably harassed." Tithes are levied by tithe-proctors, needy sycophants, pictured, in their circumstances, and calling, and consequences, in Proverbs, 28, 3:—"A poor man that oppresseth the poor, is like a sweeping rain which leaveth no food." These wretches also turn the law to their account. In Galway

(*d*) The Duke of Devonshire declared himself a large holder of tithes, yet professed his satisfaction in any measure which might relieve Ireland from the tithe system. The Marquis of Downshire did the same. The former also presented a petition from the Mayor, Aldermen, and Common Council of the City of Waterford, praying their Lordships to take into consideration the disordered state of Ireland; they were proprietors of thirteen parishes, yet they were willing to agree to a commutation, or any other measure. The Duke of Devonshire said he was proprietor of tithes of more than twenty parishes.—(Times, March 16, 1822.) Mr. Spring Rice, presented petitions from Lay Impropriators of tithe, to the same effect.

alone—one of the present famishing counties—in a few years, an incredible number of tithe cases were litigated—litigated in a Court where an Ecclesiastic is Judge. Yet the evil increases: and I repeat, while rents fall, tithes increase. The Marquis of Landsdowne mentioned several parishes in which the tithe now exceeds the valuation of 1815 by 75 per cent. *(Times*, March 16, 1822): and this year the Bishop of Waterford, having 8000l. a year from his See, actually raised his tithes in Tipperary in the present distress! is this to be endured? Yes; for we hear the ominous cabalistical words—Property—Church and State—Sacred. Oh, much-abused Catholics of Europe! you are called priest-ridden. Protestants, who cannot obtain any relief or hope, say so—though in Catholic countries tithes are abolished, as in France and Buenos Ayres, or reduced, as in Spain, from the tenth to the twentieth; yet in Ireland there can be no remission now, nor prospectively, though tithe inflict famine and excite insurrection. Tithe, in Ireland, is a curse; and if I knew a stronger word, I should use it. Miserable Catholics! obliged to support the Protestant church by conquest, and your own by duty. "Issachar is a strong ass, crouching down between two burthens." On what principle, except of conquest, is a Catholic country forced to support a Protestant Priesthood? The same outrage was attempted in Scotland; but the Presbyterians resisted the imposition, at once, of a Protestant establishment and tithes—and they have flourished accordingly. From Scotland look to Canada:—In Canada, where the Roman Catholics are numerous, the Catholics pay one twenty-sixth, as tithe to their own Clergy: but the Protestants—the few—are exempted—*(M. R. Nov.* 1819, p. 250.) but the Irish are an exception, considered either as an integral part of the empire, or as a province; and from this abasement there is no redemption.

The ultimate act of conquest is the Union: this, the last-born of sin and death in this sad country, pregnant with monsters, proceeds in its destructive career. Though I cannot dwell on this humiliating subject, some particulars must be stated. The Union, that is, the unconditional subjection of Ireland, had long been meditated by the English Ministry; and there are ample documents to prove, that in the Lieutenancy of the Duke of Rutland the topic was frequently discussed. The stand made by the Volunteers—the rejection of the "Irish Propositions" by the Irish Parliament—the anticipated nomination of the present King to the Regency, confirmed the jealousy of the English Ministry, and it was determined to annihilate a refractory Parliament, which dared to exhibit any patriotism and any independence. Then corruption re-commenced its deeds. In 1789, 15 new salaries, with several new pensions to the Members of Parliament were created, at once a powerful super-addition to the influence of the Crown; bribery continued, and the pension list alone amounted to 110,000l. *(Ann. Reg.* 1800. *p.* 12.) The people, disappointed and outraged, particularly by the recall of Lord Fitzwilliam, and this concurring with the popular excitement in Europe, occasioned associations, clubs, meetings of Irishmen of all sects and persuasions. Government fomented the hostile intention of the people, by those ready agents of mischief who thicken round a corrupt Administration. *Having swelled the* bubble, they burst it; or, in Lord Castlereagh's *phraseology*, "*Government* made it explode." Thus did th

friends of *social order* prepare the Union; and corrupting, by places, pensions, reversions, titles, and during intestine war, promoted and protracted, those friends of *social order* and *abhorrers of innovation*, extinguished the Legislature of Ireland. This was conquest mercilessly inflicted—it was a naked conquest—for how could the delegates or representatives for a few years destroy the constitution under which they were elected? Their crime is the greatest on record—for it was a treachery now and for ever towards the whole nation. But were the right of those borough deputies absolute, the circumstances under which they acted would annul the covenant; tainted to the core, in fear, under force, they acted; but they had no right—their delegation reverted to their electors, when the time elapsed for which they were chosen. They voted, corrupted by money, by promises, by prerogative honours, while the Insurrection Act, and military law, despotically overawed the People and Parliament. The Union was an act of conquest, and only less audacious than the penal abolition of the Legislature of Massachusetts, because the Irish were more powerful, as being more numerous.

And will the Irish or English admit so flagitious an Act to contaminate their Statutes? Can the Irish, seven millions of men, endure this aggravation of war and conquest? No one in this age suggests, that the Legislature of Canada should be abrogated. Conquered Catholics! Canada, though her Legislature refused the supplies, still enjoys, and shall still enjoy a Legislature. Then why is Ireland bereft of her Legislators, and all their revenue. Trinidad, to be sure, has no Colonial Assembly; because, says Mr. Goulburn, there is so large a slave population.—(*Times*, July 6, 1822.) Is this a case in point—for the Catholics are, to the Protestants in Ireland about as numerous as the Negroes are to the Whites in the Island of Trinidad.

But Ireland has a right to send one hundred deputies to the British Parliament—rather to send hostages for the security of their behaviour. What have this century of Legislators done? What could they do, outnumbered, and in a foreign land? Better a thousand times that Ireland should forfeit her Representatives, who swell the train of the conqueror, and appoint, as other appendages of the Crown, colonial agents, to watch over her interests in Great Britain. The more expatriated Legislators, the more absentees; absentees, who have been always considered the greatest calamity of Ireland. An ordinance was passed against Irish absentees in the reign of Richard III.—(*Davies*, p. 223)—Lord North consented to have them taxed in 1773.—(*Ann. Reg.* 1773, p. 219.) But the Union has greatly multiplied these emigrants, and parishes and baronies are without a resident proprietor.—Thus the absentees, to the loss of their genial influence over their tenantry and neighbourhood, extract the juices, and blood, and marrow of the land, leaving it and its people exhausted, and in penury; and this evil must continue, so long as the Union continues—for Ireland presents nothing to cheer, or interest, or console. The Irish are paupers, and their habitation is a prison-house; and observe, thus are the

promises made at the time of the Union accomplished—thus, forsooth, English capital, and English tradesmen, we were told, would pour into Ireland to enrich its manufactures and quicken its industry. Yet one-third of the rental of Ireland is transferred to England, without any return. Thus there is little capital, and less stock—if the season be plentiful, the people are distressed; if the season be moderate, they are famished. This year we sent, as usual, millions to be spent by ab-entees in England; and our people are supported by a small per centage returned by English charity. Give us back our people, our legislators, our revenue; if the Union lasted for centuries, and was confirmed by piles of Statutes, it is null; the Irish, as all men, have a right, paramount to all all codes and regulations, to be well governed; and while the Union continues, the contrary must follow—they must be abject and miserable. Yet this agrees with Machiavel's advice, "that there is no surer manner to hold a province, than to ruin it."—(*e.*)

To what an abyss is Ireland fallen! instead of meetings in counties and cities, and the representative assemblage of its people in its capital, there are anonymous calls in the English newspapers, requesting gentlemen connected with Ireland to meet at the Thatched-house, or at the City of London Tavern. The Union has not only dissolved the Constitution, but as it happened to the builders of Babel, it has caused a dispersion of the people.

Ireland has lost the pretence of an efficient Government; there is no care or attention paid to Irish affairs; the business is slurred (*f*); and this Session, one Irish member was present in passing the Irish Estimates—while the Government in Ireland, motley and inefficient when collected, is broken and dispersed, and avowedly crippled and impotent, from its re-deputation (*g*) to the Parliament of Great Britain.

It is said, however, notwithstanding the atrocity of the deed, and the evils it has inflicted in Ireland, that the dominating power in England will never consent to relieve this country, by restoring her Parliament and her Proprietors, and repealing the Act of Union. No doubt this is *politic* doctrine in *existing circumstances*, and admirably harmo-

(*e*) In verita non c'e modo sicuro a possiderla altro che la rovina.—(Il Principe, c. 3.)

(*f*) Mr. Fitzgerald, the late Chancellor of the Exchequer of Ireland, excused himself to the Imperial House, that he seldom troubled them. The present Chancellor apologised for the thinness of the House, on another occasion of Irish interest.—(*Times*, March 8, 1822.)—Returns are obtained with difficulty for Ireland.

(*g*) Mr. Goulburn, when pressed upon Irish affairs, said, that while the Attorney-General for Ireland, and himself were attending to their Parliamentary duties, the House would see that there was considerable difficulty—(Times, April 23)—and *Lord Liverpool alluded to the inconvenience experienced by the Marquis of Wellesley being deprived of assistance, &c.*—(*Times*, June 15, 1822.)

nizes with the intelligence and integrity of these birds of passage over St. George's Channel, who take Ireland in the tour of office, and are advanced as they rule the *sister* isle. But the assertion supposes that from sin there is no redemption—that the People and Ministry of Great Britain must uphold, through all times, the Union, which Fox, when Secretary of State, declared to be "attrocious in its principle, and abominable in its means; it was a measure the most disgraceful to the government of the country that ever was carried, or proposed."—(*Morn. Chron.* Feb. 4, 1806.) The assertion also supposes that the English Government will support this prodigious wickedness, after all the conjectured, and many unimagined evils from this measure, have been fearfully realized; if so, the system is not only vicious in the extreme, but predestined to hopeless iniquity. Let us argue the question, under the fatal supposition that the Ministers of those countries shall continue remorseless and criminal; nay, that Lord Clare, who boasted he had been for eight years endeavouring to effect the Union, and who fell a cankered victim to disappointment, was alive—that Castlereagh, the self-destroyed destroyer of his country, rose from the grave—that W. Pitt, and all his nameless followers, were ready at their master's call. Why should any one, not the most abject, infer, that the Union was irrevocable? We have lately seen measures, pronounced impossible, advocated and executed by the same Ministers; and we read that the 3rd and 4th of Philip and Mary, by which the Irish Parliament was deprived of all power to originate, modify or amend her laws, was repealed; and that the 6th of George I., which declared Ireland dependant, and subject to the laws to be enacted by the English Parliament, was also repealed. And the same means will secure the repeal of the Act of Union, a distressed Government, and an united people. I speak not of seventy thousand armed volunteers, which now could be multiplied manifold. It is said the Act of Union is conclusive. What! is it more definite than the *final adjustment* of 1782? and yet, that was repealed. No law can be conclusive, which is not moral in its means, and beneficent in its effects. To talk of law, both wicked and ruinous, concluding mankind, is blasphemy. My countrymen—the restoration of your rights—the repeal of the Union, is in your own power. What can resist the will of seven millions of men? Then declare your will. You must succeed; for God and all good men are with you.

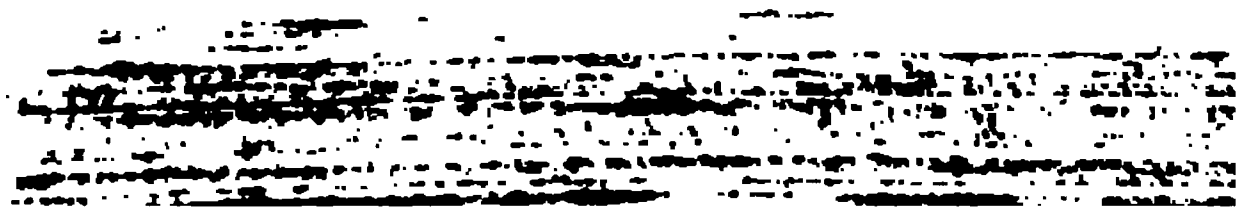
My Countrymen, I have now done; I have spoken, with freedom, the attribute of truth; then, talk no more of Catholic Emancipation, but of Irish liberty. What gratification could you obtain by participating with the State faction, a privilege which all unsophisticated Protestants despise?

hat! will you sigh and petition (and without chance of ccess) to obtain a privilege in a Constitution, in its paro, nd, pantomimic state—a Constitution which Englishmen nsider, in its Imperial dignity, adverse to ancient princi-s, unworthy of the illumination of the time, and the in-ligence of the people? Does it agree with the ascendancy your virtue, to labour to attain that which your country-n and your neighbours abandon in disgust? The relief of ur country of Protestants, Dissenters, and Catholics, alone mits your sympathy, and ambition. Farewell, my Coun-rmen; I have spoken honestly to you, and I know the k; but with my feelings, suffering in our cause would be me consolation.

GEORGE ENSOR.

Ardress, August, 1822.

FINIS.



COTTAGE INDUSTRY;

OR THE ADVANTAGES OF

FLAX CULTIVATION

AND THE

LINEN MANUFACTURE,

AS AFFORDING EMPLOYMENT IN PERPETUITY

TO THE NOW DISTRESSED POPULATION;

WITH

MINUTE INSTRUCTIONS FOR SPINNING,

&c. &c.

AND THE SUPERIOR USE OF

THE NEW INVENTED SPRING LOOM,

COMMONLY CALLED THE FLY;

TOGETHER WITH

A PLAN, UPON VERY SIMPLE PRINCIPLES,

WHEREBY

THE GREAT PROPRIETORS AND LANDHOLDERS

MAY CARRY INTO EFFECT

THE BENEFITS OF DOMESTIC MANUFACTURES

AMONG THEIR REMOTE AND EXTENSIVE TENANTRY.

TO WHICH IS SUBJOINED,

THE DUTCH FARMERS' MODE OF TREATING FLAX,

As practised in the Netherlands.

BY THE AUTHOR OF "THE FARMER'S FRIEND."

To cure the distresses and wants of the nation,
Some talk of low rents and of tithe commutation,
But "try what you please," to give cottage enjoyment,
You'll find there is nothing to equal Employment.

DUBLIN:

PRINTED BY JOSHUA PORTER, 72, GRAFTON-STREET.

1824.

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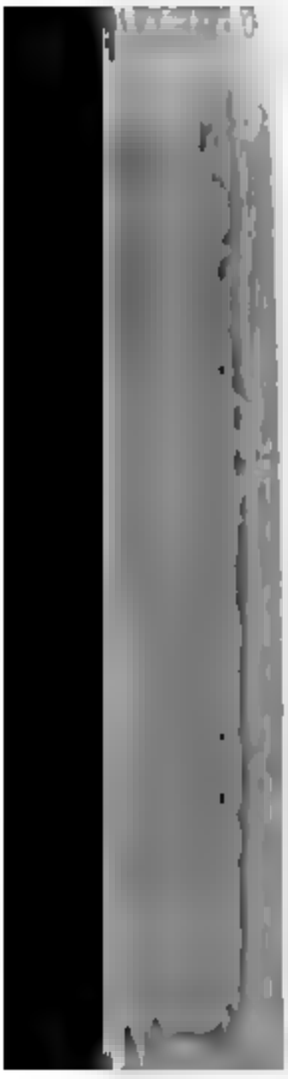


TO

THE RIGHT HONORABLE AND HONORABLE

THE TRUSTEES

OF THE

LINEN MANUFACTURE,

&c. &c. &c.

MY LORDS AND GENTLEMEN,

SEVERAL years have now elapsed since the war prices for landed produce did cease, and, on ceasing, left behind, as it were, some monstrous principle which advanced upon and smote the landed interest to the ground; and notwithstanding the mighty efforts of parliament, of clubs, and associations, to support agriculture, a fearful depression prevails, seems likely to advance, aud to remain without a remedy!

There are, however, individuals who will say this colouring is too sombrous for the picture, and gravely assert, that there is an improvement in the system—that the market rates for corn, &c. have advanced—and that there is every appearance of an amelioration.

But, my Lords and Gentlemen, people should not suffer themsvelcs to be deceived—the market prices certainly have advanced, from a deficiency in the crops, and not from an increase in the demand or consumption. An abundant harvest or two will, it is to be feared, prostrate the landed interest. Calamitous seasons will not serve the farmers, nor the landlords; if they do, we should

meet the visitations of providence without a murmur, and cast away the over quantity of an abundant harvest.

Ireland exhibits, at this moment, a cheerless picture—a landed interest without rents, or a chance of improvement in the rentals; and a tenantry without the means of paying them. Ireland is like an immense prison—her population without employment, and in the hands of an armed force, guarded like felons. An idle population must be dangerous in any country—they are ready agents for insurrection. Well, it would seem, as if Pandora's box had shook out all its evils on this ill-fated island. But all may and will be well. Something must be done, and will be done. The landed interest cannot, nor will not, remain in this paralyzed state. Like the dart of Telephus, Ireland has the cure to heal her wounds; she has resources, and they will be brought about for her deliverance.

The population should provide employment for themselves. Their millions cannot be employed as hirelings. The nobility and gentry could not find employment for their numbers. The linen manufacture will admit of self-employment, within and out of doors. And you, my Lords and Gentlemen, as a body, and as guardians of the trade, and also as individuals and proprietors, in concert with the great bulk of the nobility and gentry, have it in your power to effect this mighty change.

The cultivation of flax by farmers, will be coupled with agriculture, and afford a further scope for additional labour. And, on a small scale, the labouring classes may have elements for family industry, from their scraps of land, that will set want at defiance, and give them some weight in the heretofore unequal balance of human beings.

This elementary tract, my Lords and Gentlemen, will, I trust, meet with your approbation. It is designed for infant attempts to diffuse industry and manufactures

amongst those that have been heretofore strangers to its advantages. And should it have a tendency to promote so desirable an object, and in any measure to engage the attention of you, my Lords and Gentlemen, I shall consider myself as gratified, and compensated to the full measure of my wishes and expectations.

I am,

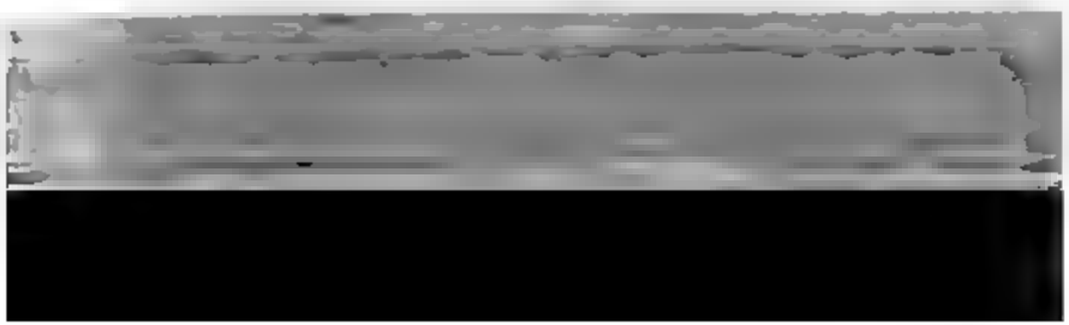
My Lords and Gentlemen,

With the greatest respect,

Your most obedient and

Most humble Servant,

THE AUTHOR.



OF

COTTAGE INDUSTRY,

&c.

As the soil and climate of Ireland are so congenial to the growth of flax, the cultivation of that material may be fairly considered as forming a branch of the agricultural system, more imperious at present than many other measures, to support the landed interest, and afford employment to a wretched peasantry.

Paramount in its advantages over many other pursuits in husbandry, the farmer can raise, and dispose of it as a productive crop, in less time and with less labour than a wheat crop, and extend or contract his scale of cultivation according to his means, his market, or other local contingencies. And the peasant, on his limited portion of land, can have employment for his otherwise idle family, as he can, from a rood or two of land, procure elements for manufactures, in his cottage, to a handsome amount, in the spinning and sale of linen yarn; sit at his fire, when driven by cold or storm from his landlord's bleak fields, and enjoy the happy prospect of his wife and daughters engaged in their praise worthy scheme of profitable cottage industry.

It is, however, too true, and indeed lamentable, that, owing to a manufacture from a foreign material, namely, the calico trade, and its consumption on account of its cheapness, that a considerable depression prevails throughout the linen manufacturing system; and the profits from many parts of its extensive branches are not sufficiently remunerating. But, on an average, there is no farming

speculation so likely to reward the husbandman, in almost all soils, and in all quarters of the country, as the flax crop, even at the present reduced prices.

Besides, in all schemes of general employment poor females should not be forgotten, as they now form more than one-half of the population, and must evidently be a burden on the community, if kept in a state of idleness. Hence the good policy of encouraging flax cultivation, as it embraces the means of employment, and the strongest probability of superior advantages to the proprietor and to the farmer.

As, for example, an average crop from one acre, at a moderate estimate, will produce 40 stone of clean flax, fit for spinning, which, at 6d. a pound, will be, £14 0 0

Whereas a crop of oats, to average at 14 barrels, and allowing the liberal price of 13s. per barrel, that will be, ... 9 2 0

Difference in favour of the flax crop, ... £4 18 0

The seed, if saved, is also a good profit; and the tow, or remainder of the flax after hackling, suppose it equal in value to the straw of the oats, both crops requiring soil of the same quality, length of time, and labour, with this difference, that the culture of flax and its management, requires a portion of skill and science, unknown to many practical farmers in corn lands, &c. &c.

It must be also remembered, that corn crops are more subject to suffer by the vicissitudes of seasons, than flax; as corn of all kinds are often shed by the winds, and other ways injured; but flax is of a character very different, always exempt from that, and from other physical injuries.

It is, therefore, evident that the flax crop has the advantage of the corn, both as to profit and safety.

There is also a cheering prospect from another quarter in favour of flax farming, and from which great ad-

vantages may be anticipated; namely, the demand expected from England for the raw material; as there are mills erected and erecting, for spinning flax, in Barnsley, Wigan, and many other towns in the manufacturing counties, of which are manufactured duck, and strong linens, which are coloured blue and red, &c. and exported for slave wearing to the West Indies and South America.

But the great necessity for encouraging the cultivation of flax, &c. seems not to have been so well understood by the nobility and gentry as it ought to be; for, if well understood, and sufficiently encouraged, the landed interest in some time would be relieved considerably, without any sacrifice of the health and morals of the working classes, who are literally let loose on society by the repeal of the duty on spirits—a measure intended to support the fallen state of agriculture, but, in all probability, will fall far short of the object, as private distillation seems not to suffer, nor the markets to advance, except from the deficiency of a bad harvest.

But, according to the old proverb, "better late than never," many of the great landed proprietors perceive the insufficiency of the measure resorted to, and are now in many places liberal and active in their endeavours to form societies for encouraging manufactures, and diffusing the blessings of industry amongst their tenantry, which, in time, must operate to their advantage, and give an impulse to agriculture, in proportion to the advance of industry, fostered by resident landlords, and followed up by perseverance, system, and activity.

But some individuals object to the further extension of the linen manufacture, and say, if set up in the south, it must decline in the north, and for every yard made there, there must be a yard less made in some other place; that the markets are already overstocked with manufactures; and, instead of a system of that descrip-

tion, recommend ditching and draining, &c. &c. by parliamentary bounties, as an efficient measure to relieve the landed interest and furnish general employment.

Now, on the assumption of drained or reclaimed lands being forced into agriculture at the public expense,—by parity of reasoning, for every acre of drained land thus brought into cultivation, there must be an acre of heretofore corn land left out of the system, as the provision markets are already overstocked, and seem likely to be, notwithstanding the late failure of the potato and corn crops throughout the country. And it is also to be noticed, that, in all probability, the profitable part of draining and reclaiming, by bounties, would rest in the hands of wealthy individuals, after a scanty day's labour remuneration to a portion of the male population, without any benefit to the toiling under-farmer or the female part of the community. It is, therefore, pretty evident that flax cultivation, as a farming pursuit, and the manufactures and industry inseparable from the system, will be more likely to meet with general attention from the nobility and gentry, than any measure heretofore devised or pointed out for relief of the landed interest, and ameliorating the condition of the peasantry.

Now in every undertaking to which the individuals who design to carry it on are strangers, instructions are most essential, because there have been many instances of itinerant strangers having pretended to be judges of flax cultivation, &c. who were ignorant of the practice, and injured the parties who employed them.

It is, therefore, necessary here to observe, that lands designed for the growth of flax should be sufficiently rich, or at least in good order to bring a crop of oats, to be ploughed and harrowed fine, and well cleaned from weed-roots or dirt, or any thing obstructive; in short, it should be as free from weeds or dirt, as land prepared for turnips or any other kind of small seed.

As seasons, soils, and situations vary, the farmer must exert himself, and exercise his judgment, in choosing and preparing the ground for his crop. Potato land, that is, land which has given a crop of potatoes—or two crops, if it has been lea ground the year of the first crop, is very fit for flax; and in all upland tracts the soil should be more enriched by manure, than in moor lands, or low situations of corn lands. It is somewhat singular that soils with surface bearings of the same quality, often produce very different properties in flax; as, for example, a stiff cold under soil or stratum gives it a harsh principle; whereas ground with a limestone subsoil, gives a soft or mellow silky principle to the material.

Lands inclined to limestone, or what peasants call, *lively ground*, will bring the crop much earlier than heavy clay ground, or porous moor lands. But seashore lands generally have the advantage over all others for early crops —but not always of the best quality. Potato lands that have been manured with lime, produce excellent flax; even in upland grounds, and on mountain sides, lime manure seems favourable, and flax crops may be raised in many places that have the character of barren lands. Reclaimed moor lands that have been burned for rape or turnips; after these crops, which are rather of an ameliorating nature, the land will be in good tilth, and produce luxuriantly.

There are large tracts of moor land which might be severed from the lowland bogs, in the county of Kildare, King's and Queen's counties; and vast tracts in the county of Westmeath which might be profitably cultivated, and good flax crops got up, to reward the husbandman's toil, and increase the proprietor's rental.

Lowland moors differ most essentially from upland or mountain bogs, and contain principles of fertility which are not to be met with in high ground bogs, or those that

are neighboured by lofty mountains. Under farmers, in upland or mountain tracts, may raise flax from potato ground, and after a drill crop of potatoes the ground will be in excellent condition.

Soils and situations being duly considered, the month of April, in this climate, seems to be the most favorable season for sowing. The ground being harrowed fine, and the weather dry, the seed may be sown, at the rate of one pint to a square perch; a little more if the ground is light and high, but if rich, a pint of seed is generally sufficient to produce a good crop.

Good seed is of a bright shining colour, hard and heavy, which will prove the kernel sound, and to have been well dried and prepared.

After being sown at the rate above mentioned, a strong bush harrowing, or, according to the soil, a light harrow, or the back of a heavy one, may be run over it; and if rolled, except the ground be wet, it will be an improvement.

All seasons that are good for the growth of spring corn, are favourable for the growth of flax, and it generally keeps pace, in growth and ripening, with most sorts of corn.

Like all other crops, when growing it should be kept free of weeds; and much care is then necessary, as well as in dressing the ground previous to sowing, as has been already mentioned.

Foreign seed is less subject to degenerate than native seed; however, there are particular soils that produce good seed, and from which good crops have been obtained. But in order to have good seed, the crop must be let to ripen well, otherwise the seed will not be good; and in case of a sufficient ripeness to procure seed, the flax will not be so good: therefore, there must be a sacrifice on one side or the other, in this part of the management.

The flax plant is rather of a hardy character, and will bear the effects of a bad season better than corn of any kind: it is, however, in some places subject to mildew, and, if too rank will lodge or lie down in heavy rains.

Ripeness discovers itself much the same in flax as it does in corn, and should be pulled in dry weather and well preserved, especially if the seed is to be saved. The process of pulling is so simple, it hardly deserves to be mentioned here; however, in pulling, the heads must be left all one way, as loosely as possible, to have the benefit of the sun and wind, as corn crops are.

The practice of handfuls laid across each other, and raised from the ground, subjects the crop to be blown about and scattered by the wind, which too frequently happens, especially in late harvests. If the weather proves dry, it will soon be fit to bind and stook, which must be done with the root ends down, until sufficiently dry.

The process of ripling then comes on, which is to get the seed from the head, and is done in different ways where machinery is not to be had—but all simple in their kind, as the great object is to get off the heads, and then threshed with a light flail. Water is a most necessary and indispensable agent, and watering a most essential process, and requires a portion of science, so as to be able to judge of the time necessary to remain in that state.

The common people call it *bogging*, and leave it in the water a given number of days, without any great notice of the water's quality, whether hard or soft, which often subjects the flax to the disadvantage of being either too little or too much watered. The quality of water makes a very material difference; for hard water is longer bringing about fermentation than soft water; and it often happens, that flax is injured in this particular, for want of skill to judge of the time necessary to finish the process.

The water in old marl pits is good, so are most kinds of standing) l water, because, when somewhat stag- , the soo · fermentation is excited; and as water- i s for th urpose of rotting and reducing the inside s and a fluous substance, the sooner it is effected, safer the es or flax will be from water taint or other in lent es. Bog water is not so good, neither is ater, because the impurities are still car- fermentation is thereby delayed. But if pon water let in from the river, and softene excellent. Nine or ten days are gene the process, but there are many places or shorter period will be requisite.

When ferme s, it may be drawn out of the water—a day o is sometimes serviceable; but if the stalk be clos examined, it is easy to perceive when fit to take up, as it will have a flexibility when rubbed between the fingers, and appear discharged from its impurities.

When sufficiently watered it must be drawn out of the pool, rincing it as much as possible, and then spread on the ground to dry; and if rain falls heavy for a little time it will be nothing the worse, as it will wash out much of its impurities, and give the flax a better character for the market.

When dried on the ground as much as the weather will afford, it must be taken up, *and where dressing machinery is not convenient*, it must be dried over a fire, on a hurdle, or sticks laid across, in a horizontal direction, from one ditch to another, somewhat like a sawpit, formed in a field, for the purpose of avoiding the danger of fire if dried in a house; and when dry, that is, when the useless substance will break and crack in rubbing or bending, it is fit for breaking; but great care and skill are necessary in this operation, for if it has got too much

of the fire, the flax will be harsh, and of what is called a foxy colour; but a little practice will soon make the parties adepts, or masters of the business.

When fire-dried, it is then fit for breaking, which is a process of some labour if done with hand breaks, and which must be the case where mills are not convenient; and is a kind of bruising and breaking the stalk, to force out the waste substance, and leave the fibrous part as free as possible for scutching, which is nothing more than holding it at full length, and striking it with a board formed into the shape of a sword, to free it from the broken particles of the rotted stalk, and fit it for the hackle.

The hackle is the finishing instrument, and divides or separates the fibres into coarse or fine flax, according as the quality of the substance will afford. After passing through the hackles, which are a set of instruments resembling or in form of large brushes, stuck with iron spikes, coarse and fine, it is then finished, and fit for making up.

In a general way, the foregoing instructions will suffice for the infant introduction of flax cultivation among farmers, and is simplified as much as possible, in order to render the knowledge and practice easy, as well for the people as for many of the gentry, who, no doubt, will set the example of industry, and feel a pride in the patriotic instruction of their tenantry, in pursuits and practices calculated to remove, at least in some measure, the fearful depression that hangs over agriculture, by forcing large portions of land into the cultivation of flax, and, after export demands, the redundancy into manufactures in the hands of the peasantry, by partial bounties instead of idle charity, which, by slow degrees, may, in less time than people imagine, compete with the calico, or manufactures from foreign materials, and beat down those articles that overstock the markets, and leave

the linen t so unprofitable, and which the landed proprietors should, in their own defence, view with a patriotic jealousy, and stand prepared for losses and inconveniencies, until the great work is, at least in part, consummated.

But, in pushing on a work so desirable and extensive, there are weak minds who maintain notions of difficulties which they think insurmountable, and talk of the reduced prices of our staple trade, which certainly are most serious objections if flax should fall to 3d. per pound, it would have e over oats at 6s. 6d. per barrel, and which t harvest is likely to bring down even below reduced price, as has been the case in many parts country. Besides, the cottager who holds an acre half of land, can have his flax for less than a penn and, and suppose him to pay £1 10s. per acre, a sow half an acre, he will have at least 20 stone of n flax, which, at three farthings a pound, will be 17s. 6d. It is, therefore, clear that he has materials for family employment, for even less than three farthings a pound, which will produce 568 hanks of 2 hank yarn; and if his family be active at spinning, they may double that amount in 4 hank yarn, having sufficient of tow, or backings, left for family uses.

Thus it appears to a mathematical demonstration, that even female employment, from half an acre of land under flax cultivation, will produce 1136 hanks, or dozens, of yarn in the year; and if able to have a loom, or get it wove into cloth, there indeed will be a resource for a family, bordering upon independence, even at the lowest rates of yarn prices, or the lowest possible rates of calico.

Now, suppose the aforesaid family to be unemployed, and all depending for support on the day's labour of the peasant—what a contrast! what a melancholy spectacle, to see, perhaps, a mother and two or three daughters,

sitting half-naked over the fire, (if they have one,) or perhaps pilfering from the neighbouring hedges a felonious supply of fuel, to warm their shivering members. —The picture is too true, and too distressing, for any further colouring.

Under all the circumstances that now exist, it appears that domestic manufactures, or cottage industry, can have no other means to support it, or produce any thing like perpetual employment, from any other source but from a material which the cottager has so completely within his grasp.

Therefore, the nobility and gentry should, in their own defence, and upon charitable principles also, set up, and encourage by small bounties and examples, a system of the above-mentioned character, supposing it inseparable from the greatest labour, and from numberless difficulties.

First, by encouraging flax cultivation as a farming pursuit or branch of husbandry; Secondly, among cottagers, as a source of *perpetual employment*, embracing at the same time spinning, and the sale of yarn; and Thirdly, cottage weaving, with a decided preference in favour of the new invented Spring Loom or Fly Shuttle, which shall be treated of in its proper place.

Having therefore in some measure proved the advantages of flax cultivation as a branch of agriculture, and also the family employment and advantages to the peasantry, on a cottage scale, it is essential, and indeed *most essential*, to direct and give instructions, in the most minute and clear manner, for spinning and making good yarn.

Because, on it depends the manufacture of cloth; and its character in yarn markets, or districts remarkable for making up good yarn, creates a demand extraordinary; and it is well known, that in all quarters where good yarn is made, the people seem to be more at their ease, and have an appearance of prosperity superior to

their neighbours. Besides, if good wheel or finger spun yarn was a general article, it would supersede the mill-spun yarn, and become an article of export to a vast amount. But that is not the case; for the yarn of this country (with few exceptions indeed) is of a bad sort—and it is a singular circumstance, that an act of the spinner, of the most trifling nature, lessens the value of linen yarn, delays the weaver in working, and proves more destructive than any other defect, except taint or absolute rottenness.

This obstruction in linen weaving is nothing more than a knot commonly called "the spinner's knot;" all of which knotts must be cut off, spliced, and tied, in the loom's reach, at every time of dressing, or yard and quarter length of the warp, before they come into the geers; or else the very least of them would catch its fellow thread in the shade, or shuttle passage, obstruct the shuttle, and break the yarn most destructively. This knot is so injurious to yarn and weaving, that positive mention is made of it in an act of parliament, which subjects it to seizure in the market for that mischievous defect.

It too often happens that linen yarn is so studded with these knots, that the weaver is, at least, one-half of his time delayed in cutting them away, and in many instances a great deal more.

In the hand shuttle, or old way of weaving, these knots do not obstruct the weaver, that is, in the weft of the cloth, (and weft may be of any character as to the delay of the weaver,) but the case is very different when weaving with the spring shuttle; for if any of those knots are wound up on the bobbin that contains the weft, in coming off they will catch the thread, and prove very troublesome; because the weft comes off from a fixed bobbin in the spring shuttle, and runs from a quill in the hand shuttle.

The spinner's knot is formed between the fore finger and the thumb, the same as a tailor knots the end of his thread for sewing, and generally happens in reeling, when the quill over-runs and breaks the thread. A little care in reeling would entirely prevent the evil, suppose the spinner to be ignorant of tying the weaver's knot; for if, in reeling, the left thumb would be kept gently against the quill when running too free, it would prevent the over-run of the quill and breaking of the yarn; and reeling would be sooner done by a fair gentle gait of going, than in a hurried manner, which is always sure of over-running the quill, of snapping and breaking the yarn, the end of which is often lost, and proves troublesome to find.—*Vide last page.*

All those that spin, or are any way concerned in the management of linen yarn, should be taught to tie the weaver's knot, or the stretch knot, or both knots. It is a most simple matter, and when a simple act would prevent so great an evil, it should not be neglected, especially when it is the interest of people to have goods in a state to bring the first price of the market. Young ladies are often taught this little art in boarding schools; and if country ladies would learn and teach it to the peasant children, it would have a very good tendency.—In all free and spinning schools, the founders and subscribers should direct, at least the female children, to tie the weaver's knot, which should be a qualification for a schoolmistress to obtain the situation.

Mill-spun yarn, on account of its being free from spinners' knots, greatly facilitates the weaver in the execution of his work. In all flax-mill factories there is a fine on any of the workers who neglect tying the weaver's knot when the thread breaks, which, in that respect, gives it a superiority over the wheel-spun yarn.

It is, however, a fact, that although a beautiful kind-looking yarn when well prepared and whitened, it will

ne so well, nor give as rich a surface to linen
d-spun yarn—even in the loom when work-
ires a different method to make cloth; that
er must lock the weft in the shade or reed
it is closed home to the cloth by the reed;
whereas hand-spun yarn would not make good cloth,
nor admit of being done after that manner, so different
is the mill-spun yarn from that which is done by the
hands.

This difference arises from the flax of the mill spun yarn going through the machine the same as wool or cotton, without any regard to the length of the material: but that is not the case with the flax wheel yarn, for the spinner, for her own ease, adjusts the flax, and stretches its length as much as possible in preparing it for the rock, or stick to which it is attached for spinning;—some spinners, indeed, cross it back and forward, which is a bad practice, and thereby the yarn is brittle; but yarn spun from flax at its length, has a decided advantage over the mill-spun yarn, and gives the cloth a rich surface or grain.

Wool and cotton are much the same, and could not by any possible means be stretched out in fibrous lengths, as flax for spinning.

It therefore appears from these circumstances, that fine linen cloth of a beautiful surface, &c. cannot be manufactured from mill-spun yarn, notwithstanding its superior appearance, to reach the perfection of fine Irish linens, manufactured from yarn spun on the common cottage flax wheel by the female peasantry.

In those branches of the linen manufacture which fall under the denomination of cottage industry, weaving is a part of the system that would be of considerable importance as to profit and the extension of industry; and if the spring shuttle, or *fly*, as the weavers call it, should

be encouraged, it would greatly abridge labour, and facilitate industry.

This great improvement in the weaving trade leaves the workman quite at his ease, as he can sit in the centre of his loom, without bending his body to the right and left, and work the shuttle by a spring cord, with a velocity that is most surprising, without letting it fall, or throwing it out of the shade, except it be obstructed by a *breach* or some other accident.

But in the hand shuttle, or old method of weaving, it is very different, for the hand shuttle is subject to fall, to go awry through the shades, and, except the work is very narrow, the man must bend his body to the right and left, to throw the shuttle and catch it, which is extremely laborious, especially in broad sheeting work, or any kind of broad weaving. The hand shuttle is likewise so subject to fall, that weavers are very often obliged to have nets attached to the loom to catch it in falling, and those that have no nets, have crooks to take it up after falling, and if not well pointed or tipped with iron wire, it will break much of the yarn in going awry through the shades. It is, indeed, so defective when compared to the fly, that tender fine cotton manufactures could not be well carried on with hand shuttle weaving.

The spring shuttle is formed in a different manner from the hand shuttle, is simple enough in its construction, has, in most cases, wheels under it, to hasten its progress, and contains a bobbin instead of a quill, from which the weft is discharged.

But the engine that holds the reed, and from which the shuttle is worked is somewhat complex, and many, very many weavers who were bred to the hand shuttle weaving, dislike it, and are very clumsy in their first attempts to learn that method of working.

But if they are handy, and good workmen, they will soon master it, and reject their old practice of hand shuttle weaving.

This engine may be attached to any kind of a loom, but it is a little more expensive than the old way, and requires some ingenuity to complete it for working.

In all cases where encouragement will be given to manufactures, whether linen, cotton, or woollen, the spring shuttle loom should be encouraged, for the reasons above mentioned; and if the trustees of the linen manufacture, in their future grants for looms, &c. would take this improvement into consideration, it might be attended with very advantageous results.

As the trustees of the linen manufacture are ever attentive to promote the interest of our staple trade, they have, at a great expense, brought over Dutch farmers to instruct the Irish in the cultivation and management of flax, according to the Netherland practice; and as their method of "pulling and treating flax" has been published, at the expense of the trustees, and under their sanction, it might be expected by the nobility and gentry, to be a scientific superior work.—It may be, therefore, necessary to give it insertion in this tract, in order that all concerned may choose and avail themselves of the best mode of treating this interesting and useful material, as it is now looked upon to be the only basis of general employment, and the support of the fallen landed interest.

Directions for Pulling and Treating Flax, as practised in the Netherlands.

"In order to know when flax is ripe for pulling, a few boles are to be cut across the middle, and if the seed be fully formed, and not milky or watery, the pulling is to commence, under the following directions.

"1. The flax, when pulled, to be in bunches as large as a man can grasp in one hand, and in the pulling the

the hand is not to go lower than within sixteen or eighteen inches of the ground, lest it take up the short flax with the long.*

"2. Six bunches to be laid on each other—the first straight on the ground, the second aslant across it at the root end, the third in like slant reversed across the second, the fourth in like slant across the third, the fifth in like slant across the fourth, reversed, and the sixth straight along the whole, to cover it; the root ends of all to be together, so as to raise that end highest, and create a sloping slant towards the other, for the rain to run off.†

"3. In this state they are to remain four, five, or six days, according to the weather, to dry or harden.

"4. When dry, every six bunches should be tied together *loosely*, and put in stooks of eight to the stook, the roots downwards, and that part that was *on the ground* to be *outside*, and so remain until fit for rippling; the stooks to stand *north* and *south*, in order to give them the full advantage of the morning and evening sun, and to be ranged in straight files, so as to let the wind pass through them, and facilitate their carriage from thence, either to the ripple, or to be stored.

"5. When ready for rippling, the bundles with the seed on must be placed at one side of each rippler, so that he may conveniently take up the flax in small bundles to ripple, after which he is to place it on his opposite side, to be bound in bunches of as much as *two hands* can grasp *loosely*.

"6. From the ripple it is to go to the steeping pond, into which it is to be put in rows; for this purpose two

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* In this country flax of 16 or 18 inches long will have a produce not to be despised or thrown away.

† When raised high from the ground in bundles, the wind very often scatters it about the field.

men sta[illegible]e banks, one on each side, the first throws the bun[illegible]to the water, the other, on the opposite side, stan[illegible] range them with a long handled fork across th[illegible], always putting the roots in a line at the same ent[illegible] observing that the roots of each layer are to be[illegible] line close to the band of the first; and when[illegible]d is filled with ranges of three layers each, as above[illegible]ribed, the last layer is to be reversed, that is, t[illegible]ts are to be put downwards, so as to form an end w[illegible]grass, an[illegible]eds, and then to be thro[illegible]nd mud* put on it, taking care that [illegible] put on the top of the entire, than will be sufficient [illegible]teep the whole under water a few inches, four or [illegible]erhaps, so as to exclude all light from the flax.-[illegible], should any mud fall upon the rest of the flax *below* [illegible] *band*, when forming the layers, it is to be carefully wa[illegible]ed off.

"7. The time for remaining in steep must be determined by the quality of the flax and water, and the state of the atmosphere, and the flax need not be examined before the fifth day; the object of steeping being to dissolve the hold by which the flax or bark is united to the pith or woody part: the mode of trying when this is effected is, by raising the bark near the root, and again, at about six inches from thence towards the top, so as to break the wood in each place; then, if the wood can be easily drawn out at the bottom, it is completely loosened, and the steeping should cease. This trial may be occasionally made at every four or five inches upwards, so as to ascertain the separation being effected through the whole of the length of the stem; but this will be seldom necessary.

"8. After steeping, the flax is to be taken out, (to be spread,) wherein attention must be paid by the man

* After having been very closely covered with grass or weeds, stones or sods are generally laid on, as mud will dirty it much.

standing on the bank, to wash each bundle well from all clay with his fork, before he takes it out of the water. In spreading it the lines are to be ranged by the root end and when it is desirable to turn the flax, a long stick is to be put under it with which it is so turned completely over, and each succeeding line is turned into the ground which the former one occupied. *Eight days* will be required on the grass for the *upper side* spread, and *four* on the *side under*; the reason for this difference of time is, that the outside of each bundle is better steeped than the interior, which, if the flax be *properly spread*, is always first exposed to the weather. In Holland particular attention is paid to the spreading and turning of flax, as above described.

"Note,—that each pool is to be made seven or eight feet wide, sloping to six feet at bottom; the length is to be determined by the quantity of flax to be steeped, and the depth to be about three feet six inches, or four feet; as there is to be *no current allowed through it*, and the water is to be kept stagnant, great care must be taken to make it water tight, by puddling any veins of gravel or sand through which the water might escape;—some of the mould must be left at the bottom, *loose*, for the scrapers to draw upon the flax.

"The seed, when rippled, is to be brought home for threshing—the refuse left at the ripple will be greedily eaten by cows, calves, or pigs."

The foregoing directions are simple enough, and are easily understood, but those that are strangers to the cultivation of flax, to say nothing of its further progress in manufacturing, and who are desirous of embarking in that pursuit, will be very little the better of the Dutch farmers, or the Netherland practice.

Now, as it is well known, that many of the great landed proprietors are already actively engaged in the great work of establishing manufactures,* and that numbers are disposed to diffuse the blessings of trade and industry amongst their numerous tenantry, but seem at a loss for a desirable and perfect mode of carrying into execution that favourite object.

The following plan may perhaps be efficient for encouraging the cultivation of flax and the linen manufacture amongst an extensive tenantry, and may be carried into effect with less expense than many proprietors give away in idle charity, and which operates rather as a bounty for beggary than for any permanent benefit, notwithstanding the charitable intentions of the donors.

Therefore, suppose a nobleman or gentleman, resident or non-resident, to have an estate with a numerous tenantry of farmers and under-farmers, much straitened by the existing pressure, and a population of peasantry or day labourers far above the demands of the farmers. Under such circumstances there are very little hopes to be entertained of an estate so situated to even stand at the present rents, and less hopes of any future improvement in favour of the proprietor, except the tenantry can be led into pursuits and occupations connected with agriculture, to which perhaps they were heretofore strangers, and which may in time effect their independence, and advance the interest of the proprietor.

Suppose then the soil and situation of an estate so circumstanced to be favourable for the growth of flax, and the proprietor disposed to introduce the cultivation of that material, as a branch of agriculture, amongst his farming tenantry; and the further extension of manufactures amongst the peasantry, as a source of employ-

* The late Mr. White, M. P. of Woodlands, near Lucan, to his great honor, has advanced considerably in the system, assisted in the most unceasing manner by the Rev. Dr. M'Pharlan, P. P. of Porterstown.

ment;—let the following notice be given in or about the month of September:

NOTICE.

Lord A, or Mr. B, desirous to promote the interest of his tenantry, will give the following Premiums, for the purpose of encouraging (or for the further encouragement of, as the case may be) the Cultivation of Flax and the Linen Manufacture, on his estate of ————————, in the following manner:

To any person holding lands on said estate, of not more than Thirty Pounds a year rent, who shall sow or cause to be sown, Flax Seed on any part of said lands, and from the produce thereof, sell of clean Flax, fit for spinning, to the greatest amount in money, from the month of ———————— to the month of ————————, in the year ————————, the sum of Ten Pounds; to the person who shall sell, as above, to the second greatest amount, Eight Pounds; to the person who shall sell, as above, to the third greatest amount, Six Pounds; to the person who shall sell, as above, to the fourth greatest amount, Four Pounds; and to the person who shall sell, as above, to the fifth greatest amount, Two Pounds:—whole amount, Thirty Pounds.

To the person who holds land as aforesaid, and shall sow Flax Seed on any part of said lands, and sell, or cause to be sold, Linen Yarn, spun from the produce thereof, to the greatest amount in money, from the month of ———————— to the month of ————————, in the year ————————, the sum of Ten Pounds; to the person who shall sell, as above, to the second greatest amount, the sum of Eight Pounds; to the person who shall sell, as above, to the third greatest amount, Six Pounds; to the person who shall sell, as above, to the fourth greatest amount, Four Pounds; and to the person who shall sell, as above, to the fifth greatest amount, Two Pounds:—whole amount, Thirty Pounds.

To the person who holds not more than three acres of land, who shall sow Flax Seed, or cause it to be sown, and from the produce thereof spin, or cause to be spun, Yarn, and sell of said Yarn to the greatest amount in money, within one year, the sum of Ten Pounds; to the person who shall sell, as above, to the second greatest amount, Eight Pounds; to the person who shall sell, as above, to the third greatest amount, Six Pounds; to the person who shall sell, as above, to the fourth greatest amount, Four Pounds; and to the person who shall sell, as above, to the fifth greatest amount, Two Pounds:—whole amount, Thirty Pounds.

[redacted] who holds not more than three acres of land, and [redacted] cause to be sown, Flax Seed, and from the produce thereof spin, or cause to be spun, Yarn, and weave it, or cause it to be wove, into Cloth, and sell, or cause to be sold thereof, to the greatest amount in money, TEN POUNDS—provided the same be wove [redacted] ing shuttle or *fly;* to the person who shall sell, as [redacted] second greatest amount EIGHT POUNDS; to the person who [redacted], as above, to the third greatest amount, SIX POUNDS; to the person who shall sell as above to the fourth greatest amount, FOUR POUNDS; and to the person who shall sell, as above, to the fifth greatest amount, TWO POUNDS. The whole amount, THIRTY POUNDS.

N. B. If wove [redacted] the amount, One Pound less in each of the premiums.

Total amount of [redacted]

Each person who intends to claim a premium, is to give notice to the Steward or person appointed as Inspector, in the month [redacted] in order that he may see the state of the crop; [redacted] ould be in substance as follows:

SIR,

As I intend to claim a Premium for Flax Produce, which I have sown on the lands of ——————, in the parish of ——————, you will please to come, when convenient, and inspect the same. Dated this —— day of —————— 183

I am, your's, &c.

A. B.

To Mr. ——————,
&c. &c. &c.

A notice is also to be served on the Inspector when the materials are ready for sale; and he is then to go and inspect them accordingly, and make an entry of the kind, their quality and quantity, in order that frauds may be prevented, by any attempt of the claimant to make the amount of the sale of such goods more than what they might really produce.

Each claimant is also to make an affidavit before a magistrate, of the sale of such goods as he claims for, and of the amount received, and to produce the same on

getting the premium, together with the Inspector's return of the goods viewed previous to the sale, which he is to give the claimant at the time of viewing.

FORM OF AFFIDAVIT.

I ———— do swear that I hold land, (or is a cottager, with three acres, as the case may be,) at the yearly rent of ————, in the parish of ———— ; and that I did sow, or cause to be sown, Flax Seed on said lands; and of the produce thereof did sell, or cause to be sold, Flax, Yarn, or Linen, (as the case may be,) to the amount of ————, from the month of ———— to the month of ————, and year of ————.

So help me, God.

The Inspector to give forms of notices, and to have printed affidavits for the claimants, and to inspect and instruct them in the different modes of management, according to the best of his opinion and judgment; or, if the Proprietors would distribute instructive tracts among their tenantry, which may be done at a very trifling expense, it might perhaps be attended with much practical benefit.

As in all human institutions fraud and knavery are too apt to creep in, the mode of giving premiums on the amount of money produced from the sale of the goods, seems best calculated to prevent frauds and simplify the system; for if given on the quantity of seed sown, or the extent of land, or any other way as heretofore practised, frauds and neglect are too often the consequence. But when given on the amount of money, and the goods being previously inspected, it will excite a principle of thrift, as well as honesty in making up goods for market, in order to carry a good price.

The scale of premiums may be extended or contracted, according to the population or extent of the estate, at the will of the Proprietor; and withdrawn or continued, and subject to improvements, as may appear useful or necessary to promote or benefit the system.

ay,—My farming tenantry are unable to
; the labouring classes are in a state of
distress; I shall try to give them the
g me, with advantage to themselves—i
hundreds, perhaps a thousand pounds
anties, to encourage industry. There is
tion on my estate of ————————, and
yet heard of a pound of flax, or a bank of
ing been sold by any of my tenantry in
well, I shall try the plan of bounties—the
shall live—he shall have a disposable pro-
spot of ground; and so shall the farmer.
e inclined for industry, I shall give each a fair
of comparative independence, and will consider
mply compensated should it succeed, and look
t as riches in reversion for myself and for my

been already noticed in a preceding part of this work, that Irish linen yarn suffers to such a degree by spinners' knots alone, that seizures by the officers of the Linen Board are not unfrequent; and should this character continue, it is not likely that linen yarn will ever become an article for export, as the weavers and threadmakers throughout the manufactories of England, have declared against Irish linen yarn, on account of its bad quality; and as for what are termed "warps" in manufactures, they would on no account suffer them to be made of Irish yarn. And wefts of Irish yarn are equally objected to, because there is no such thing as hand shuttle weaving in English factories, and as knotty yarn cannot be made use of for weft by the spring shuttle, and is equally injurious in the manufactures of thread, lace, &c. a demand for Irish finger spun yarn is not to be expected, unless fair even yarn, free from knots, should hereafter become a familiar manufacture among the peasantry of Ireland; in which case, toge-

ther with an unexceptionable mode of making up flax, these two articles will be well received in the English market, and beat down those Continental articles, which maintain their ground, not so much by an under price, as by the yarn being free from knots, even spun, and well made up; and the flax also handsomely made up.

The linen yarn of Silesia and Saxony has acquired a character all over Europe for its excellence; and in many other countries on the continent excellent yarn is made, and on that account alone they get a preference in the English market, and very often an advance of price above the rate of what Irish yarn is sometimes sold at; but its superior quality ensures a preference, while the Irish yarn remains a glut at home, without market or demand.

It is a truly lamentable circumstance, that, notwithstanding the immense quantities of linen yarn imported annually into England, not one ton of Irish yarn is to be found among those vast importations; which clearly proves the superiority of foreign yarn; and that superiority can be accounted for on no other principle than that of its being clear of knots, and even spun, which gives a facility to the manufacturing operators in the execution of their work, and an even surface to the fabric. In many parts of the province of Ulster good spinners are retained for the sole purpose of spinning yarn for warps, and the weavers' knot is taught and known by the females of many families the same as is practised in Silesia, France, and other parts of the Continent; but yarn designed for weft, where hand shuttle weaving is practised, continues to be done very carelessly, and if spun for sale in the market, spinning and reeling with due care is very seldom attended to. Hence the dislike, and very justly, of the British merchants and manufacturers to Irish yarn; but it is to be hoped an improvement will take place in yarn spinning, as the practice of the spring shuttle seems

likely to advance, and uneven knotty yarn cannot be made use of in manufacturing by that superior engine.

Therefore, careful spinning and reeling to prevent knots, &c. must be more attended to, which will be a real blessing and benefit to those branches of the linen manufacture, however minute they may appear, and upon which the prosperity of the country so essentially depends, and by which means markets and demand may be insured, which will give a stimulating principle to the drooping staple of the country, and secure to the population a perpetual system of industry, that will be a benefit perhaps to generations unborn.

By the vast quantity of foreign linen yarn imported into England even in the course of one year, it will be seen the immense loss which Ireland is at by the neglect of those minute attentions, which would give Irish yarn as good a character as the foreign yarn, and secure a preference for this heretofore rejected material, but which hereafter may compete with the foreign, and put it entirely out of the market.

An account of the quantity of Foreign Linen Yarn imported into Great Britain, in the year ending the 5th of January, 1822.

Imported of Linen Yarn,.....2581 1cwt. 1qr. 13lbs.

WILLIAM IRVING,

Inspector General of the Imports and Exports of Great Britain.

The above specimen will shew the immense loss to this country even for one year's importation, which will demonstrate the necessity of the landed proprietors to be unceasing in their endeavours to forward the improvements in those domestic branches, and give the under tenantry and peasantry a taste for honest work, in preparing those materials for manufactures, which in the end will not fail to produce a re-action that will benefit the proprietor and the whole of the Irish population.

FINIS.

THE

LAW AND PRACTICE

OF

DISTRESSES IN IRELAND:

CONTAINING

THE SEVERAL STATUTES, WITH RESPECT TO TAKING, IMPOUNDING, RESCUING AND DISPOSING OF ALL KINDS OF DISTRESSES, INCLUDING SOME RECENT DECISIONS.

WITH PRACTICAL DIRECTIONS

AS TO THE WHOLE COURSE OF THE PROCEEDING, FROM THE SEIZURE TO THE SALE OF A DISTRESS.

By WILLIAM STEWART,

AUTHOR OF THE DIGEST OF THE PRACTICE OF THE KING'S BENCH AND EXCHEQUER, COMMENTS ON THE CIVIL BILL EJECTMENT ACTS, &c.

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Oct. 1825.

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THE

LAW OF DISTRESSES.

CHAPTER I.

IN the following observations, which are chiefly confined to distraining for rent, we shall consider,

First, Who in respect of his estate or interest may distrain, and of the demand of rent.

Second, What things are, and what are *not* distrainable.

Third, Of the time, place, and manner of making the distress.

Fourth, Of distraining growing crops and disposing thereof.

Fifth, Of impounding distress, and of pound fees.

Sixth, Of rescuing the distress, and the remedies in such cases.

Seventh, Of the landlord's rights by distress where the tenant becomes bankrupt.

Eighth, Of the notice of, and the sale of distress.

Ninth, Of tendering the rent.

Tenth, Of the charges attendant on the seizure, &c.

Eleventh, Of the relief to *terre* tenants;—incidentally noticing such minor topics as appear of general utility to the profession—to landlords and their agents—or to tenants.

Who in respect of his Estate, &c. may distrain.

In *England* there can be no distress, unless in cases where there is an *actual demise at a specific rent*; therefore, where a party entered on premises under a memorandum of an agreement for a future lease with a purchasing clause, it was held that *that* not amounting to a *demise*, the lessor could not distrain for rent which would have been due under the terms of the agreement (*a*); but in *Ireland*, by the 25th Geo. 2. c. 13. s. 4. "A defendant in replevin "may avow *generally* that the tenant enjoyed under "a grant or demise, &c. in writing, at such a rent "certain, during the time distrained for, which rent "was then and is still due, and it shall be no objec- "tion to such article that it contains *no demise*."

Still where a party is in possession under an agreement for a lease, and no other circumstances exist whence an *implied* tenancy can be raised, since no rent is due for the occupation, but only, if any, a composition in the nature of rent, the owner cannot distrain for non-payment (*b*).

But if there is a *specific rent* (*c*) under an actual demise in *either* country, that *demise* need not be *in writing* to entitle the landlord to distrain; and it has been fully determined upon an appeal to the *Irish* house of lords, that an avowry for rent under the 25th Geo. 2. c. 13. was good under a PAROL *demise*; and further, that it was not necessary to state *by*

(*a*) 5 Bar. and Ald. 332; and see 2 Taunt. 148—3. Taunt. 65.

(*b*) 2 Taunt. 148.

(*c*) This is one of the difficulties against distraining under an elegit mentioned by Mr. Lefroy in his Treatise on Elegits.

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whom the demise, under which the premises where held, had been made (*d*) : so if a tenant gives notice of his intention to quit and holds over, he is equally liable to *double* rent under the statute* whether he hold under a lease or by *parol* demise.†

If a *parol* leave be *de anno in annum quamdiu ambabus placuerit*, and the lessee occupy during *ten* years, this, by computation, from time past makes an *entire* lease for so many years, and if rent be in arrear for *part* of *one* of those years and *part* of *another*, the lessor may distrain as for so much rent in arrear upon an *entire* lease, and is not obliged to make *separate* distress as for separate rent due on *different* demises. (*e*)

But if premises are let by *parol* agreement, care should be taken that the letting is made in the presence of A WITNESS, so that it can *be substantiated by proof*, in order to support the avowry in the event of a replevin.

Another requisite to maintain a distress, generally speaking, is a right to *reenter*, where, therefore, *A*, by an agreement granted the *whole* (*f*) of the interest which he had in the remainder of two terms, re-

(*d*) Hair *v.* Lloyd and others, Vern. and Scriv. 127.

* 15 Geo. 2. c. 8. s. 9. *Ire.*

† 1 Bla. Rep. 533, and it is immaterial whether the tenant's notice be in writing or *by parol*; if the landlord in such case accepts the *single* rent, it waives his claim to the *double*, Cow. 243.—See 8 East. 358.—1 D. and E. 54. *id.* 159.

(*e*) 2 Salk. 414.—1 D. and E. 380.

(*f*) See on this subject a little work, entitled, "Thoughts on Hughes *v.* Howlin," in which there is a great deal of useful information.—See 2 Fox and Smith 7.

serving a rent, it was held that he could not distrain for such rent, although it appeared he had been paid one year's rent under the agreement, and it was expressed that the assignee should remain tenant to him during the lease (*g*).

Although in general a person who has not the *reversion* cannot distrain of common right, nevertheless, he may reserve to himself a power of *distraining*, or the reversion may be good to bind the lessee by way of contract, for the performance whereof the lessor shall have an action of *debt* (*h*); so if a man *devises* a rent out of land, and charges the land with a *distress*, the devisee may make use of that remedy and distrain for the rent; but unless the power is given by the will he may not distrain (*i*).

But if an annuity be granted out of an estate, and the grantor, to secure payment, vests the estate in trustees for a term to the use of the annuitant, and subject thereto, he, the grantor, continues in possession, the annuitant may distrain for the arrear of his annuity; for supposing the term to vest the legal possession in him, the grantor is to be considered as his undertenant, whom he might distrain upon at common law, without any express clause for that purpose (*k*), and in some other cases a distress may be made although the party has no reversion;

(*g*) 2 Moore 656, and 2 Wils. 375.
(*h*) 2 Bac. Abr. 106.—Lit. s. 214.
(*i*) Shep. Touch. 439.
(*k*) 2 Bla. Rep. 1326.

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thus a grantee may distrain for a rent granted for equality of partition, by one coparcenor to another; so distress may be maintained for a rent granted to a widow out of lands whereof she is dowable, or for rent granted in lieu of lands upon an exchange, the law giving that right in such cases lest the grantee should be without remedy (*l*).

But if a person seized *in fee* grant a *lesser* estate, saving the *reversion* to himself with a reservation of rent or other service, the law gives him a remedy by distress, without any *express* provision (*m*).

Where the *assignee* of a term surrenders to the *original* lessor, though he reserve a gross annual rent, he cannot distrain for that or for the original rents, because he has no privity of estate (*n*).

Where *A.* the lessee of two farms agreed with *B.* that he should have them during the leases; *B.* to remain tenant to *A.* during that period, and that at leaving the farms *B.* was to be paid for the fallows, &c.—*B.* took possession and *paid one year's rent* to *A.* who afterwards distrained for rent in arrear, and it was held that he was entitled to do so, the agreement operating as an absolute assignment of *A's* interest in the farms (*o*).

If an apartment be let furnished, a distress may be made for the whole rent reserved, because in

(*l*) Co. Lit. 169.
(*m*) Lit. sec. 214.—Bac. ab. 169.
(*n*) 1 D. and East, 441.
(*o*) 2 Moore, 656.

contemplation of law, it issues out of that part of the premises which belongs to the realty (*p*).

Where a person was in possession of premises as tenant from year to year, under an agreement for a lease of 14 years, and the rent being in arrear, entered into an indenture with his landlord, whereby reciting such tenancy and arrears of rent accrued, and that he had agreed to *quit and deliver up the premises to them*,—that a valuation should be made of his effects on the premises by two indifferent persons to be chosen, and that the same should, in the mean time, be assigned and delivered up to a trustee for the landlord; the deed assigned his effects on the premises to such trustee, in trust to have the valuation made, and out of the amount to retain the arrears of rent, and pay the residue to the tenant;—it was held, that the tenant not having, in fact, quitted the possession, nor any valuation having been made of his effects, such agreement to quit &c. being conditional, and the condition not performed, nor the agreement in any manner acted upon, that it did not operate as a surrender of the tenant's legal term, from year to year, and consequently, that the right of the landlord to distrain for the arrears of rent, continued after six months from making the indenture *.

With respect to a *rent charge* the privity of estate must remain; therefore, if one seized in fee of a rent grant *it* to another in *fee*, he cannot distrain

(*p*) 2 New Rep. 224.

* 12 East, 154.

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for the arrear, because he has by his own act destroyed all privity of estate between himself and his tenant (*q*). So the grantee of a rent-charge in fee who had levied a fine of it, to the use of himself and his wife, in tail, had for the seizure of the same estate in the rent as to be capable of distraining for the arrear due *before* the fine levied (*r*); but the *Cestuique use* of a rent-charge, since the statute of uses, is entitled to distrain (*s*).

It will be seen, that, with some exceptions, the cattle, &c. of a *stranger* found *on* the premises may be distrained for rent; but for a *rent-charge* the grantee cannot distrain a *stranger's* beast until they are *levant and couchant;* for this rent does not stand upon a feodal title, as the rent service, but is said to be against common right; and therefore, the stranger's beasts must be so long resident *on* the lands out of which the rent-charge issues, that notice may be presumed to the owner of them, that is, they must be lying down and rising up on the premises FOR A NIGHT AND A DAY without pursuit made by the owner of them (*t*).

A mortgagee, *after* notice given of the mortgage to a tenant in possession under a lease *prior* to the mortgage, may distrain for the rent in arrear *at the time of the notice*, although he was not in the actual seizen of the premises, or in receipt of the rent

(*q*) 4 Rep. 49.—Vaugh 40.
(*r*) Sir T. Jones, 2.
(*s*) 2 Mod. 138.
(*t*) 2 Leon. 7— Roll abr. 668.

and profits at the time it became due, as well as for the rent which may accrue *after* such notice, the legal title to the rent being in the mortgagee, (*u*); and it is submitted that an *elegit* creditor having given notice of his title: which notice the statute of 6th Anne, c. 10, has substituted for an *attornment*: may also distrain (*v*) for a *moiety* of the rents; there is no doubt but an action will lie against the tenants in such cases, for the moiety, from the time such notice is given.

If a person enters upon premises subject to the approbation of the landlord, who afterwards does not appear, but upon an agreement that the tenant should pay an advanced rent, as well for the time he *had* been in possession, as for the *future*, the landlord was willing to let him continue in possession; in such case, the landlord may distrain for the advanced rent accrued due *before* the agreement as well as for what accrued *afterwards*, such agreement giving him the same power by relation, to his tenant's first entry into possession, as it did to recover his rent in future (*w*).

One *tenant in common* (*x*) may distrain for *his share* of the rent upon a terre-tenant holding under him and another tenant in common, if the terre-

(*u*) Doug. 278. see the cases, 2 Bing 54—94.

(*v*) Lefroy on Elegit 19.—See Roll. abr. title. Exeon (B) pl. 3. see Cro. Elix. 656. *id.* 742.—Cro. Jac. 424. 479. 569. See Co. Lit. 153.—Noy, 142. Vent. 328.

(*w*) Cowp. 734. 2 D. and East 600.

(*x*) For the difference between tenant in common, joint tenant and co- see 2 Blac. Com. 180.

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tenant pays the *whole* rent to the *other*, after notice not to pay it in that *manner* he is liable to the other (*y*); so one of several co-parcenors in gavelkind may distrain for rent due to himself and his co-heirs without any express authority from them (*z*).

But if there are *two* co-parceners *joint*-lessors, *one* alone cannot distrain for a *moiety* of the rent, for since they make but *one* heir to the ancestor, the services are entire, and they make but one landlord to the tenant; *one*, however, may distrain for the *entire* rent, partly in his own right, and as bailiff to the other co-parcener *; the same law is of joint tenants being joint lessors, because they claim under one title, and together make but one landlord (*a*), and that without any actual authority, as was held in the case of co-parceners in gavelkind (*b*), who are co-parceners by custom, and so considered by Littleton (*c*); but no such rule affects tenants in common under similar circumstances, for although as stated, a tenant holding under two tenants in common, joint lessors may pay the whole rent to one of them, yet if he do so after notice from the other to retain one moiety, he is liable to

(*y*) 5 D. and East, 246. 1 Salk. 390.

(*z*) 2 Brod. and Bing. 465. However, a tenant holding under two tenants in common may pay the *whole* rent to *one* of them *unless* directed to the contrary.

* Sage *v.* Stedman, Carth. 364. Stedman *v.* Bates 1 Ld. Raym. 64. Bro. Abr. Trav. 118.

(*a*) Carth. 328. 1 Saund. 287.—Cro. Eliz. 340.—12 Mod. 96.

(*b*) Leigh *v.* Shephard, 2 Brod. and Bing. 465.

(*c*) Litt. SS. 241 and 265.

[illegible]

no distress upon it for other than his share without the concurrence of the rest.*

By the 43d Geo. III. c. 75. which are extended to Ireland, though it does not appear to be put in practice as many cases here, committees of the estates of lunatics are enabled to grant leases of the lunatic's estate, under the direction of the Lord Chancellor; therefore, like other lessors, they are entitled to distrain for the rent reserved due under such leases; however, the practice here, in such cases, has been to have the leases executed by the Master;—and as guardians derive their title from the appointment of the law and not from the infant, if they do make leases of his lands in their own names, which are good during the minority, they may distrain in respect of such leases; however the practice here, similar to the cases of lunatics, is to have the leases executed by the Master in the names.

In *Ireland* a special order must be obtained to enable a RECEIVER (*e*) appointed by the Court of Chancery to distrain, and this also obtains as to a receiver in the equity side of the Exchequer; but in *England* a receiver appointed by the Court may distrain, where he sees it necessary, without applying for a particular order for that purpose (*f*), on the principle that it might be an injury to the

* 2 Term and East. 946. 1 Salk. 390.

(*e*) There is a work in preparation for the press respecting the duties and office of a receiver in Ireland, which will be of much utility.

(*f*) [illegible] 130—3 Bro. ch. Cas. 97.

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estate to wait, by giving the tenant an opportunity of conveying his goods off the premises in the mean time; however a continuing order may in *Ireland* be obtained in certain cases to distrain from time to time.

By the 10th and 11th Car. I. cap. 7. sect. 2, after reciting that divers doubts did arise whether the statute 18th Edw. IV. c. 1. can extend unto any, but unto *very* lord and very tenant, it is enacted, "that all persons, *bodies politic* and *corporate*, seized of any estate of freehold, or of any estate for years, or estate equivalent thereunto of any lands, &c. and also all grantees of any *rent charge*, and the heirs, successors and assigns of such grantees, and every other person, may distrain for their *rents*, customs, duties and services reserved, and for which it shall be lawful to distrain by law out of any lands; and it shall be lawful for all the said persons, *bodies politic* and *corporate*, and to the said grantees, &c. to impound, appraise, and dispose of, and convert to their use the distresses to be taken as aforesaid, as in case between very lord and very tenant should be lawful either by the statute before mentioned or by any other law." And even if a lease be made by the agent of a corporation not under their common seal, although it be *invalid* as a lease for want of due execution, yet if the tenant hold under it, and pay rent to the bailiff of the corporation, it is sufficient to constitute a tenancy,

at least from year to year, and to entitle the corporation to distrain for the rent (*g*).

Executors or administrators of a man seized of rent service, rent charge, &c. could *not* distrain at common law for arrears incurred in the *life time* of the owner of such rents (*h*). But by the stat. 10 Car. I. s. 2. c. 5. s. 1(*i*), executors or administrators of a man seized of a rent service, rent charge, rent seck or fee farm, may distrain upon the lands chargeable so long as they remain in the possession of the tenant who ought to have paid, or of any other person claiming under him by purchase, gift, or descent. The 3d sect. of this act gives the like remedy to husbands entitled in right of their wives after the death of their wives (*k*); and sect. 4 gives the like remedy to tenants *pur autre vie* after the death of the *Cestui que vie*.

In closing our observations by whom a distress may be made, we shall consider to whom this statute has been held to extend, and what persons are not deemed within its provisions.

It has been determined that the act extends to

(*g*) Wood v. Tate.—2 New Rep. 67.

(*h*) Co. Lit. (162 *a*).

(*i*) 32 Hen. VIII. c. 37. *Eng.*

(*k*) The effect of this clause is to give the husband, who by common law could not have the arrears of rent due before marriage, and *for* those which became due during coverture, could only have action for the arrear due before marriage, a double remedy for the first, and an additional remedy for the arrears during coverture, Co. Lit. 162 (*b*), and see 5 Keb. 697. Cro. Jac. 442—885. See the Case 2 Bidg 112.

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all tenants for *life* (*l*), although it has been said that the preamble of a tenant for life is to be intended of tenant *pur autre vie*, so long as the *Cestui que vie* lives (*m*); but it does not extend to the executor of a grantee of a rent charge for *years*, if he so long live (*n*), and where a tenant for life of a rent charge (*o*) confessed a judgment which was extended by an *Elegit*, and the tenant *for life* dying the conusee distrained for the arrears incurred in the life time of the tenant for life, this was held bad on demurrer, on two grounds; first, because the case of the conusee is not enumerated in the statute, and secondly because he comes in *post* and not under the tenant for life (*p*).

It has been recently contended (*q*) that a rent reserved upon a lease *for years* was not within the provisions of the act (*r*), and indeed it was so considered by Lord Coke and Mr. Justice Buller; however where an action of trespass was brought against an *executor for distraining for rent due to his testator* upon a lease FOR YEARS, it was determined that such a lease was within the statute, and a verdict was given for the defendant (*s*). Mr Justice

(*l*) 1 Ld. Ray 172.

(*m*) Co. Lit. 162 a ib. (4).

(*n*) Bull. nisi prius 57.

(*o*) A *rent charge* may be extended under an Elegit. Gilb. Exon. 39 Moor 32.

(*p*) Poole *v.* Duncombe cited Bull N. P. See 4. Rep. 50. 51—Vaug. 110. See Yelv. 135, where it is held that the Stat. does not extend to copyhold tenants.

(*q*) 8 Taunt. 159.

(*r*) See Bull N. P. 57.

(*s*) id. ib.

Burrough also in the case of Moreton *v* Gilbee* seemed to be strongly of opinion that the statute did embrace cases *for years* (*t*).

By the 11th Geo. II. c. 15—Bishops, their executors, &c. shall have debt for arrears of rent due at time of his translation against a tenant or his executors, and *may distrain* on the lands; and by 23, 24 Geo. III. c. 46, landlords of tenant for life, or lives which drop *before* the *gale day*, may sue debt or case, or *distrain* for a rateable part of rent for the time elapsed.

It was formerly held that a payment reserved upon a lease for TITHES was not to be considered as rent, because it was to issue out of an incorporeal hereditament and could not be distrained, nor put in view in an assize (*u*). However it has since been considered that such reservations create a rent so far as to be capable of being suspended by eviction, but although it will bind the lessee by way of contract, it cannot be made the subject of a distress (*v*).

But now in cases where *composition* has been entered into under the *Tithe act* 4 Geo. IV. chap. 99, in *Ireland*, it is enacted by the 38th sec. of that statute, "That the amount of such composition for "tithes, and of the several portions, and all arrears "thereof from time to time *not exceeding* the

* 8 Taunt. 159.

(*t*) Chamb. Land. and Tenant 599.

(*u*) Cro. Jac. III. id. 175.

(*v*) 2 Saund. 302—3 Wils. 25. Co. Lit. 47 (*a*), but it seems tithe may be distrained *Damage feasant* by the owner of the land after reasonable time, Wigh. 113.

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" amount of *one whole year* of such composition " shall be a charge on the lands specified in the " assessment and applotment during the continu- " ance of such composition, and shall be payable " by the occupiers of such lands, or by the " owners of such lands occupying the same for " the time being, according to the quantity of " such lands which each such occupier shall from " time to time hold and occupy, and that it shall " be lawful for the incumbent and other person, " body politic or corporate or collegiate, or corpo- " ration entitled to such composition, or any por- " tion thereof, to receive the amount of such com- " position or portion thereof, or to cause the same " to be levied upon the several lands specified in " such assessment and applotment, and on the se- " veral occupiers of such lands for the time being, " *in preference to any other charge upon such* " *lands, whether for rent or for any taxes or as-* " *sessments, parliamentary or other, and in pre-* " *ference to any other charge whatever*, upon such " lands, by all the ways and means allowed by law " for the recovery of rent."

The last observation that remains to be made is, that at common law, recoverers (*w*) in a common recovery had no remedy for their rents, neither could they compel payment by distress or action, before they obtained seizin of the rents by some voluntary act of the tenant. But the statute (*x*) 33 Henry VIII. c. 13. s. 2. enables such reco-

(*w*) Omitted in Gilb.—See Chamb. 603.

(*x*) *7 Henry VIII.* c. 4, *Eng.*

verers, their heirs and assigns, to distrain for rent and service, and to justify for the same in the same way as those from whom they recovered might have done (*y*).

Of the demand of Rent.

In cases between subjects (*a*) the place of payment of rent *is the land*, and a distress *on* the land is a *sufficient* demand, where there is no penalty or forfeiture incurred by the neglect of payment; but if rent be reserved payable at *any* place *off* the lands, in such case distraining *on* the land does not include a demand, but a special demand must be made at the place appointed (*b*), so if the rent be payable at *either* of two places, as the tenant may pay at *either* of those places, the rent must be demanded at *each* of such places (*c*).

In ordinary cases where the tenant has not made any tender, no demand is necessary previous to making the distress, the distress, as stated, being in law a demand; but if the tenant has tendered his rent at the day it became due, and the landlord refused to receive it, or if the landlord was not *upon* the land for the purpose of receiving it when *tendered*, he must give the tenant notice before he can distrain, because the tenant has on his part performed the duty incumbent on him. If the

(*y*) Dy. 351. (*a*).
(*a*) In the King's case, the Exchequer is the place of payment.
(*b*) Gilb. Rents 78.
(*c*) 2 Roll. abr. 428.

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tender has been made on the land, then a demand after the day on the land is sufficient, because the demand is of equal notoriety with the tender; but if the tender has been made to the landlord in person, it seems to be the better opinion that the demand must be made to the tenant in person, upon the same principle, namely, that the demand may be equally notorious with the tender; (*d*) so notice of the distress need not be given at the house, or other principal place on the premises, it is sufficient if the tenant be personally made acquainted with it (*e*).

The demand of the rent, when not specially payable elsewhere, must be either a general demand, or a demand from the tenant; but if the lessor come upon the land, and demand the rent of J. S. a stranger, this demand is said not to be good, because he has mistaken the person, J. S. not being chargeable with the rent; but a general demand, without reference to any person who is not chargeable, is good. If, however, a person leases land, rendering rent whenever he shall demand it, if the lessor come to the land to demand it before the end of the year, his demand upon the land is not good, unless the lessee is there also; for the time being uncertain when he would demand it, he should give notice of his intention to the lessee. So, if he demand it personally of the lessee off the land, it is not sufficient, because the land being the principal debtor, the payment must be made there. If, however, the lessor stays till the end of the year, then the lessee, at his own peril, ought to attend upon the land to pay it, because the end of

(*d*) Gilbert, Rent 82, Craenby *v.* Kingsmill, Hob. 207.
(*e*) Gilb. Rent. 87. This, more particularly, relates to *England*.

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the rent is the time prescribed by law for the payment of the rent (*f*).

Payment by the tenant to the bailiff of the lessor is sufficient payment to acquit him of all further liability. So if a receiver be appointed by the Court of Chancery (*g*); or if Creditors appoint a trustee to receive rents for the payment of debts, the estate will not be charged with any loss arising from the failure of the trustee; and the same rule applies where a testator appoints a trustee, whose defaults will affect the devisee or legatee, and not the estate (*i*), for otherwise it might be an encouragement to trustees to misapply the money (*k*). It has been thrown out by Lord Eldon, in his opinion, that if a receiver be appointed by the Court of Chancery at the instance of an incumbrancer, and the receiver wastes or otherwise wastes the [illegible] on the mortgagor, and

[illegible] the distress may be made [illegible] days of grace, as they are [illegible] leases, because the [illegible] are in the affirmative; a distress is incident of common [illegible] that such affirmative words cannot [illegible] that which is so incident of common right [illegible] On a similar principle, in a recent case, it was determined, that a power in a lease of distraining for arrears and fines *after reasonable demand* [illegible] and of detaining until the same was satisfied, did not take away the right which the land-

(*f*) Swinton v. Clerk, Ir. 3
(*g*) Rigge v. Bowater, 3 Bro. ch. ca. 365
(*h*) Henderson v. Lord Massereene, 2 Ball and Beatty, 49.
(*i*) Anon. 1 Salk. 155.
(*k*) Carter v. Barnardiston, 1 P. Wms 518.
(*l*) See Rigge v. Bowater, 3 Bro. ch. ca. 365. supra.
(*m*) Co. Lit. 305. With a trifling and scarcely observable alteration, such a clause might be made of service to the tenant.

Of the demand of the Rent.

lord had at common law or by statute of distraining *without demand*, and of selling the goods (*n*).

CHAP. II.

What things may or may not be distrained.

We shall now proceed to consider what things may or may not be distrained, and at what times, in what places, and under what circumstances goods, &c. that would otherwise be distrainable, are protected from distress.

In order to understand the principle upon which the exemption of certain things from distress is founded, it may be necessary to observe, that a distress, as altered by the civil from the feudal law, is considered in the nature of a PLEDGE, to remain in the hands of the Lord as the means of compelling the tenant to pay the service, or perform the duty for which it was taken (*a*).

The distress being no more than a pledge, and the nature then of contracting by pawns or pledges being, that upon payment of the money for security whereof the pledge was given, that it should be restored to the owner *in the same plight and condition in which it was delivered*—it follows that nothing could be distrained at common law which could not be so restored in the same condition in which it was when taken: and this rule still obtains, unless where the thing is *expressly* made liable to distress by statute—as is exemplified

(n) 3 Bar. and Ald. 363.

(a) It is to be observed that *all* manner of rents issuing out of the land, whether consisting of money, corn, cattle, fowls, pepper, spurs, gloves, or any other profit *to be delivered*, are within the statute; but *work-days, or any other corporal services* are not within it. Neither are arrears *nomine pœnæ*, although incident to the reversion like rent, for being only a penalty, it does not grow due with every gale of rent, but only arises casually, and therefore it has always been considered as a mere chattel, for which the *proper remedy is by action of debt.*

in the case of sheafs of corn, corn or hay in a cock or barn, or growing crops; none of which could be distrained at common law, because they could not be restored in the same condition in which they were when seized, but all of which, it will be seen, are now expressly made the subject matter of distresses.

To shew that the reason of exemption of corn in cock, &c. from distress, was solely on the principle laid down, and not in favour of husbandry, or for any other cause, it is sufficient to mention that at common law, corn or hay *in a cart* might have been distrained with the cart itself, because it could be restored in the same condition it was in when taken (*b*).

But this law, exempting corn in sheaf, or in barn, being found inconvenient to landlords, and too great an encouragement to tenants to withhold their rent, it was therefore enacted by the 7th of William III. c. 23, 64 (*c*), "that it shall be lawful for any, having arrear of rent, to seize and secure any sheaves or cocks of corn, or corn loose, or in the straw, or hay lying in any barn, or granary, or upon any hovel, stack or rick, or otherwise upon any part of the land charged with such rent, and to lock up and detain the same in the place where it shall be found, in the nature of a distress, until the same shall be replevied or sold."

GROWING CORN or other product, as stated, could not be distrained at common law, and this prevailed in *Ireland* until a very late period, although an act had passed in *England* in the 11th Geo. II. rendering growing crops liable to distress; however, *now* by the 56th Geo. III. c. 88. s. 15, it is enacted, "that it shall be lawful for

(*b*) 1 Jones 197.—Roll. ab. 666, 667.—Sid. 440.
(*c*) 2 William III. c. 5. Eng.

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every landlord in *Ireland*, his, her, or their steward, bailiff, receiver, or other person or persons empowered by him, her, or them, to take and seize as a *distress* for arrears of *rent* all sorts of *corn* and *grass*, *hops*, *roots*, *fruit*, *pulse*, or *other* product whatsoever, which shall be growing on any part of the estates so demised or holden, as a a distress for arrears of rent, and the same to cut, gather, make, cure, carry, and lay up when ripe in barns or other proper places on the premises so demised or holden ;, and in case there shall be no barn or proper place on the premises so demised or holden, then in any other barn or proper place which such lessor or landlord, lessors or landlords shall hire or otherwise procure for that purpose, and AS NEAR AS MAY BE TO THE PREMISES, and dispose of the same towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress and sale, in the *same* manner as any other goods and chattels distrained for non-payment of rent."

Upon the construction of this act, it has been determined, that *trees*, *shrubs*, and *plants*, growing on land which the defendant had demised to the plaintiffs for a term, and which they had converted into nursery ground, and planted subsequently to the demise, are not distrainable by the former under the above statute, as the statute applies only to corn and *other* products of the land which may become *ripe*, and are capable of being *cut* and *laid up* (*d*).

So corn sown by a tenant at will (who died before the harvest), and purchased by another person, cannot be distrained for rent due from a

(*d*) *Clark and another v. Gaskarth*, 2 Moore 491. See also *Clark, v. Calvert*, 3 Moore 114, where this decision is recognized and adopted.

subsequent tenant (*e*). So where a tenant's corn, while growing, was seized and sold under a *fieri facias*, and the purchaser permitted it to remain till it was ripe, and then cut it, after which, and before it was fit to be carried, the landlord distrained it for rent, the Court held that it was *not* distrainable (*f*);—but where corn was taken in execution, and sold by the sheriff under the statute, and the vendee permitted it after severance to lie on the ground, the Court held that it was distrainable *; but growing crops sold under a *fifa* cannot be distrained for rent unless the purchaser allow it to remain on the ground an unreasonable time after it is ripe (*g*).

The only case that remains to be noticed respecting growing crops, is a decision of some importance, by which it was determined, that a tenant, whose standing corn and crops have been seized as a *distress* for rent, cannot maintain an action on the case under the statute (2 W. and M. ch. 5) (*h*), for selling the goods before the time limited for sale of distresses after seizure, *such sale being wholly void* (*i*).

On a similar principle, WHATEVER IS PART OF THE FREEHOLD cannot be distrained, for what is part of the freehold cannot be *severed* from it without detriment to the *thing itself* in the removal, and being injured it could not, if pledged, be restored in the same plight in which it was found, therefore could not be taken as such *pledge*, and consequently is not distrainable (*k*).

Besides, what is fixed to the freehold is part

(*e*) Willes 131—7. Mod. 251. a. c.
(*f*) Willes 131.
* Com 203 Willes 131.
(*g*) 2 Brod. and Bing 362.—6 Moore 79. S. C.
(*h*) 29th Geo. II. c. 13. *sec.*
(*i*) 5 Bar. and Ald. 470.
(*k*) Co. Lit. 47. (b).

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of the thing demised, and the nature of the distress is not to resume part of the thing itself for the rent, but only the *inducta* and *illata* upon the soil or house. Hence it is that doors, windows, furnaces, &c. affixed to the freehold, are not distrainable (*l*).

This privilege seems to extend to such things as the tenant will not be permitted, on any consideration, to *remove away with him from off the premises*, on account of their being annexed to and considered as part of the freehold, and not because they are *absolutely affixed to it* and cannot be removed, and a temporary removal of them for purposes of necessity is not sufficient to destroy the privilege (*m*).

Thus a mill stone is not distrainable, though it be removed out of its proper place in order to be picked, because such removal is OF NECESSITY, and the stone still continues part of the mill (*n*); but if there are *two* mill-stones, and one only is in use, the other being a spare one, may be distrained (*o*).

So it is of a smith's anvil, on which he works, for this is accounted *part* of the forge, though it be not actually *fixed* by nails to the shop (*p*). So, of a *kiln*, which is considered not to be a personal chattel, but belonging to the freehold (*q*).

On the principle laid down, *milk*, *fruit pulled or gathered*, *meat in a butcher's shop*, or *any thing* that cannot be restored in the same condition it was in when taken, was not, and is not distrainable—so MONEY cannot be distrained, because there is no *mark* by which the pieces can be identified, so as

(*l*) Co. Lit. 47. 6.
(*m*) Gorton *v.* Falkner, 4. T. R. 567.
(*n*) Bro abr. Distress, pl. 23.
(*o*) Year Book, P. 14. Henry VIII. pl. 6.
(*p*) Bro. abr. Distress, pl. 23.
(*q*) Neblet *v.* Smith, 4 T. R. 504. See Bro. abr. Chattels, pl. 4.

to be restored, in case the tenant is entitled to their restoration; but a bag containing money, especially if sealed, is not liable to the same objection (*r*).

At common law there were five things that could not be distrained.—1*st*, Things affixed to the freehold.—2*nd*, Things delivered to persons exercising their trade, as cloth in a tailor's shop.—3*rdly*, Hops and corn.—4*thly*, Instruments of the plough; and 5*thly*,—Instruments of trade; the three first being absolutely privileged, the two last only *sub modo*.

As to the *first*, namely, "things affixed to the freehold," we have already seen that they are not distrainable at this day; and with respect to the *third*, viz. "hops and corn," that they are now expressed subjected to distress under the statutes already noticed, we shall therefore proceed to observe upon the three remaining exemptions.

With respect to THINGS DELIVERED TO PERSONS EXERCISING THEIR TRADE—the rule of the exception is clearly laid down "that goods delivered to any persons exercising a public trade or employment, *to be carried*, *wrought*, or *managed* in the way of his trade or employ, are for that time under a legal protection, and privileged from distress" (*s*).

This rule is made in favour of public convenience and of trade and commerce: Accordingly, if materials be sent to a weaver's, or cloth to a tailor's shop (*t*), or a horse to a smith's forge (*u*), they cannot be distrained.

This exemption very early received a most equi-

(*r*) 1 Roll. abr. (H) pl. 666. 4—1. Freem. 202—2. Bro. abr. tit. Distress (B)

(*s*) Salk. 250.

(*t*) Semson v. Harcourt, cited 4 D. and E. 568. See Willis, 512. & C.

(*u*) See 12 Mod. 217.

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table and enlarged coustruction. For where (*v*) a cloth-worker delivered certain wool to B, a spinner, to spin, and the cloth-worker, in due time came with a horse to bring away the yarn, and there being no weighing beam on the premises of B. the cloth-worker went with his horse to C.'s house to get the yarn weighed, and C.'s landlord, while the yarn was on the plaintiff's shoulders, distrained it, *together with the horse which was in C.'s stable*, for the rent of C.'s house, it was clearly held that the distress of the yarn on the plaintiff's shoulders was unlawful, since that could be no more distrained than a net in a man's hand, or an horse on which he was riding; and although it was much doubted whether the distress of the horse was not lawful, yet it was *adjudged unlawful in favour of trade*, because if the yarn had been weighed either in B.'s house, or in a public weighing-house, it had been unquestionably privileged for the encouragement of trade, and therefore since the design of bringing the horse and the yarn to the house of C. *was merely in the way of trade*, that design secured them from distress while remaining *there* for that purpose. So they said a horse carrying corn to a mill, and tied to the mill during the grinding of the corn, is privileged for the same reason.

In a recent and highly important case it was determined that goods of the principal, in the hands of a *factor*, cannot be distrained by the landlord of the *factor's* premises for arrears of rent due to him *from the factor* (*w*); because, were it otherwise, it would be inconsistent with public convenience, and

(*v*) Reade *v.* Burley. Cro. Eliz. 549.
(*w*) Gillman *v.* Elton, 3 Brod. and Bing. 75. 6 Moore, 245, S. C.

this is a case clearly falling within the principle of exemptions from distress.

Goods delivered to be *carried* are also protected, and therefore, where a tenant exercises the trade of *a common* carrier, any thing given to him cannot be distrained, and even if a *private* person undertakes to carry goods for hire, he is *pro hac vice* considered as a carrier, and the goods are protected whilst they remain in his possession (*x*).

So an horse that *brings* corn to market, although put into a private yard while the corn is selling, cannot be distrained, because the bringing of the horse there is in the way of trade, and consequently of the public benefit (*y*).

Another case of exception to the general rule of a landlord's right to distrain goods of a third person may be here disposed of, namely, the cattle and goods of a guest at a *public common inn*.

This privilege, also, arises out of a principle of public convenience; an inn being *publici juris*, and inn-keepers by law obliged to receive all guests coming to the house (*z*). However, the cattle or goods must be actually within the premises of the inn itself, and not in any place the tenant may have removed them to for his convenience (*a*); moreover, it seems that this privilege extends only to *temporary* guests; for a person who hires an unfurnished room in an inn, by such hiring becomes an under-tenant, and any furniture he may have brought into such room must be liable to the landlord's distress, he not being within the spirit of the privilege, which is allowed merely for public

(*x*) 1 Salk. 249.—Cro. Eliz. 596.
(*y*) Cro. Eliz. 549—595.
(*z*) 3 Bulst. 269.
(*a*) Barn. 472.

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convenience (*b*). And further, this exemption extends only to *common public* inns, therefore it was held not to extend to the case of a chariot standing in the coach-house of a *livery stable* keeper, for that is not a common inn, and the hiring of its standing may be considered as part of the profits of the premisses (*c*). Indeed the distinction between a livery stable and an inn is obvious; the latter, as stated, being *public juris*, and inn-keepers by law obliged to receive all guests coming to the house; but livery stables are let on private contract, and the owner may refuse to take carriages and horses, except on his own terms (*d*).

With respect to *instruments of the plough*, as stated, they are only privileged *sub modo*, and are not distrainable in favour of husbandry; and if they were distrained, the means of a person's livelihood would be taken away, and this last reason holds with respect to instruments of trade (*e*); moreover, instruments of the plough are expressly so exempted from distress by the 51st of Henry III. s. 4. which statute lord Coke observed was confirmatory of the common law; by it, "no man shall "be distrained by *his beasts that gain his land*, nor "by his *sheep*, for the King's debt, nor for any "*other cause*, but until they can find *another* dis-"tress sufficient; except impounding of beasts that "a man findeth in his ground *damage feasant*."

Thus we perceive that both by common law and statute, beasts of the plough are only exempted *sub modo*, that is, where there is not sufficient distress to be found, which fact therefore should be ascertained previously to taking such distress; and

(*b*) 1 Bla. Rep. 484.
(*c*) 3 Burr. 1498.
(*d*) 3 Burr. 1498. Robinson *v.* Walter, 3 Bulstr. 269. R. *v.* Collins, Palm. 367. 374.—2. Roll. Rep. 345.
(*e*) Co. Lit. 47. a. b.

in a recent case it is laid down that the true construction of the statute requiring an appraisement is, that the value of the goods may be ascertained by a fair estimate made at the time of the distress; and that if on such valuation there should not be thought sufficient without them, that the landlord might distrain beasts of the plough (*f*).

But if the landlord distrain *inter alia* his tenant's *cattle* and *beasts* of the plough for rent, and it turns out after the sale that there would, in point of fact, have been sufficient to satisfy the rent due, and the expences, without taking or selling such cattle, such distress is not thereby proved to be an *illegal distress*, contrary to the statute, if there were reasonable grounds for supposing that without taking the *beasts of the plough* there would not have been sufficient to have satisfied the rent and expences when sold (*g*). Moreover, it seems there is no *order* required by law to be observed in the sale of such goods, as that beasts of the plough should be *postponed* to other goods; nor is it therefore a cause of action that the beasts of the plough should be sold before the other goods are disposed of, where the distress itself is not wrongful (*h*).

This rule applies only to distresses for rent, amerciaments, &c. but not to particular distresses under *statutes*, which are rather in the nature of executions (*i*), nor does it extend to distress *damage feasant* (*k*), or a distress made for a toll or duty arising in respect of a thing distrained, and other things connected with it, as for distraining two sheep out of a flock by the owner of a market

(*f*) 6 Price 3.
(*g*) Jenner *v.* Yolland, 6 Price 3.
(*h*) Ibid.
(*i*) See 3 Salk, 136. Hutchens, *v.* Chambers, 1 Burr 579.
(*k*) Com. Dig. distress, (B. 4).

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for the toll due in respect of the whole flock (*l*), or taking the anchor, sails, and cables of a ship as a distress for port duties due for the vessel (*m*).

With respect to *instruments of trade*, as stated, they are only protected *sub modo*, that is, provided there is not any *other sufficient distress, or whilst they are in actual use*; for if tools and utensils of a man's trade were distrainable whilst *other distress was to be found*, it would tend to the ruin of particular tenants, by taking away the means of their support, be injurious to the landlord himself, and consequently of public inconvenience; and further, if they were distrainable *whilst in actual use*, (which appears to be their chief protection from distress), the result might be a breach of the peace, as it is scarcely to be presumed that a man would quietly surrender that which he had in actual employment at the time it was seized: it will be seen, that this rule of exemption extends to other things than implements of trade.

Under either of these exceptions, for example, may be classed the books of a scholar, the axe of a carpenter, the loom of a weaver (*n*), and the like; where, therefore, in an action of trover for a stocking loom which had been distrained for rent, it appeared that an apprentice was *using* the loom at the time it was taken, the Court held that it could not legally be taken while the apprentice was using it (*o*); however, if *neither* of these rules of exemption apply, tools, &c. may be distrained, where, therefore, in trover for three tape looms, it appeared that they were distrained for rent, because there was *no* sufficient distress upon the premises, the Court held the distress good, as it did not ap-

(*l*) Lutw. 1380. Cro. Eliz. 710.
(*m*) Lord Raym. 384.
(*n*) Co. Lit. 47.
(*o*) Simpson, *v.* Harcourt, Mich. 18. Geo. II. cited 4. Durnf. and East, 568.

pear that the looms were *in actual use* at the time they were taken (*p*).

The second of these exemptions, namely, if the thing is in actual use is *not* solely confined to utensils of trade, for wherever the principle of the rule applies, the protection is afforded; thus a a horse, upon which a man is riding at the time, is not distrainable *for rent*; but if a man is riding *one* horse and leading *another*, the led horse is *not* privileged (*q*); and it does not appear that if a cart and horses drawing it are seized, that *a man* being in the cart would exempt the cart or horses from distress (*r*).

It had been held that if an horse be taken *damage feasant* or trespassing on another ground, that it might be distrained, although a man was riding on him at time (*s*); however, the reverse has been lately determined, as it would perpetually lead to a breach of the peace (*t*).

On this rule also *wearing apparel* cannot be distrained, whilst on the *person* of the owner; but if clothes are taken off, though merely for the purpose of the owner's going to bed, and intended to be put on again in the morning, they are liable to be taken as a distress for rent (*u*).

The exceptions that we have just now noticed apply equally whether the thing belongs to the tenant or to a *stranger*; we shall now consider how far a stranger's cattle found on the premises are protected, and in what cases.

When the forfeiture of the feud was changed into the milder remedy by distress, the right of

(*p*) 4 Durnf. and East, 565.
(*q*) Viscountess Bindon's case. Moore 214.
(*r*) Cro. Eliz. 7. 1 Sid. 440.—2 Keb. 529, 595.
(*s*) 1 Lit. 440.
(*t*) 6 Durnf. and East. 158.
(*u*) 1 Esp. 206. Peake, N. P. C. 36.

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distress was extended to taking the cattle of strangers, in order that the tenant might not disappoint the lord, by stocking and grazing his land with other men's cattle: for if the stranger suffered, it was considered to be by his own default, in permitting his cattle to trespass on another's soil. In the civil law this rule prevailed in *prædiis urbanis*, but not in *prædiis rusticis* (*u*).

If, however, cattle escape from the land of one person into that of another, where the division ought to be protected, a distinction has been made. If they escape by default of the owner of the cattle, in not repairing his *own* fences, the landlord may then distrain the cattle so escaping without giving *notice* to the owner, and that as soon as he finds them on his tenant's land; but if the tenant, as representing the landlord, *or* the landlord, ought to keep in repair the fences between the tenant and his neighbour, the landlord cannot distrain the cattle of the neighbouring occupier, so escaping into the tenant's land by defect of the intervening fences, without giving notice to the owner, even where they have been *levant* and *couchant* on the land. But if he gives notice to the owner, and the owner refuse or neglect to drive them away in a reasonable time, the landlord may distrain them, though they have not been *levant* and *couchant* (*w*). So if a tenant in common lease his share to a stranger, he cannot distrain the beasts of his companion, or of any one who puts in his beasts by his companion's licence, on any part of the lands of his own lessee (*).

(*u*) Dig. 1. 20. t. 2.

(*w*) Dig. 317. b. 1 Lord Raym. 167. 3 Salk. 136. Palm. 43. 1 Mod. 63. 2 Saunders, 289, n. 7.

(*) 2 Ventr. 227. 283. But if the other tenant in common comes in as assignee of the lessor's moiety, the circumstance of the tenancy in common will not exempt his cattle on any part of the lands from distress for that moiety. Cro. Jac. 611.

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But cattle belonging to a drover being put into a field with the consent of the occupier, for one night, on their way to a fair or market, seem not liable to distress for rent to the landlord (*x*). The case of Foulkes *v.* Joyce (*y*) is contrary, but that decision it has been thought would probably now be overruled, and the owner of the cattle in that case was, afterwards, relieved in equity, on the ground of fraud in the landlord who had consented to the cattle being put into the close, and afterwards distrained them for rent, and the landlord was decreed to pay all the costs both at law and in equity (*z*).

The Statute 15 Geo. II. c. 8, (*a*) which empowers landlords to follow goods fraudulently and clandestinely removed off the premises to prevent distress, only applies to the goods of a tenant, and not to those of a stranger; therefore a plea justifying the following goods, and distraining them for rent or arrear, must shew that they were the *tenant's* goods (*b*).

If the goods of a stranger are distrained, and he has paid the rent to avoid the distress, his remedy is against the lessee, in an action for money paid to his use: and where there were three joint lessees, and two of them assigned to the third, but the landlord had consented to accept his sole liability, a stranger having put his goods on the premises with the permission of such third lessee, and having paid the rent to prevent a sale of them under the distress, he was held entitled to his remedy against all *three* (*c*).

Goods *in the custody of the law* are also protected;

(*x*) 2 Saund. 287, n. 7.
(*y*) 3 Lev. 260. 2 Ventr. 50. 2 Lutw. 1161.
(*z*) 2 Vern. 129. Prec. ch. 7.
(*a*) S. 1, 2—11 Geo. II. c. 19. Eng.
(*b*) Thornton *v.* Adams, 5 M. and S. 38.
(*c*) Exall *v.* Partridge, 3 Esp. N. P. c. 8.

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therefore goods *distrained*, whether *damage feasant* or for rent, are not liable to the distress of another subject (*d*); so goods in the hands of a bailiff on an execution (*e*), or goods seized by process at the suit of the king, are not distrainable (*f*), nor will a replevin lie for them: because, it is *ex vi termine* repugnant that it should be lawful to take goods out of the custody of the law; moreover, *that* cannot be a *pledge* to me which I cannot bring into my actual possession.

But in the case of goods taken in execution, the legislature has, in a measure, relieved landlords from the hardships under which they laboured, for before the stat. 9 Ann. c. 8 (*g*), executions took place of all debts which were not specific liens on the land; but it being thought hard that landlords should not have something like a specific lien for rent actually due, this statute was passed, which entitles the landlord to be paid *one year's* rent, reckoning from the date of the execution, before the goods are applied to the purpose of execution.

Although it is usual and highly proper on the part of the landlord to give the sheriff notice (*h*) of the claim and demand of the rent (*i*), still it has been decided in a recent case, that if a sheriff has knowledge that there is rent due, he may be made liable if he sell under an execution, though no specific notice be given, because the notice is only given for establishing beyond doubt his knowledge of the landlord's claim; and if it can be brought home to him by any other means, as by evidence of the execution being conducted with secrecy and haste, he will still be liable.

(*d*) Bro. Dist. 75.
(*e*) Bro. Pledges, 28, Finch, lib. 11.
(*f*) See Willes, 131. Co. Lit. 47 (*a*).
(*g*) 8 Anne, c. 14. s. 1. *Eng.*
(*h*) See the form of notice and affidavit.—Stew. Forms.
(*i*) Stra. 97. 212. Taunt. 400.

So he is bound to retain the year's rent, provided he has notice of the claim at any time, while the goods *remain* in his hands, and the Court, upon motion, ordered the same to be paid to the landlord, even where the notice was *after* the removal of the goods off the premises (*k*); but if the sheriff, after notice, wrongfully remove the goods, he will not be liable to the rent *beyond the amount* of the goods sold, after making such deductions as may be allowed for expenses; (*l*), however, before the sheriff pays, he must have some evidence that the rent is due, and that the *claimant* is entitled to receive it; for if it turn out that none is due, he is liable to answer for it (*m*). The provision of this statute only extend to the IMMEDIATE landlord of the premises, and not to the *ground*, or other landlord distraining the goods of an under lessee (*n*). However, such *immediate* landlord is entitled to be paid his rent, according to the statute, without deduction of poundage, but the Sheriff may deduct such costs as were incurred *before* notice given to him of the rent due to the landlord (*o*).

The rent to which the landlord is entitled, is that due for a year immediately preceding the execution; therefore if the tenant held under a lease at one rent, and afterwards held under a *second* demise at another, the landlord cannot demand the amount of a year's rent unpaid upon the expired

(*k*) 3 Barn. and Ald. 645. a bill of sale is a removal of the goods, within the statute, Barnes, 211.

(*l*) 2 Wils. 140.

(*m*) 3 Camp. 521. *a*. For this purpose the landlord of the premises is not a competent witness. The sheriff should demand to see the lease, but Lord Ellenborough, C. J. said that he would have been satisfied with slight evidence of this fact to make out a *prima facie* case in favour of the sheriff, *vd. ib.*

(*n*) Stra. 787.

(*o*) Stra. 643.—2 Wils. 140.

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lease (*p*). And if there be *two* executions on the tenant's goods, the landlord is not entitled to have a year's rent out of *each*, but must demand out of *one* of them his whole rent under the statute.*

The rent must be due to the landlord at the *time* of the *seizure* (*q*) : if therefore an execution be laid on the 24th March, the landlord is not entitled to the half year which will accrue due on the following day. So if the Sheriff take corn in the blade under a *fi fa*, and sell it *before* the rent is due, he is not liable to account to the landlord for the rent accruing due subsequent to the levy, although the corn be not removed till after a considerable portion of rent becomes due ; and in a late case the Court decided that growing corn, under such circumstances, cannot be *distrained*, unless the purchaser allow it to remain in the ground an unreasonable time after it is ripe (*r*).

With respect to the nature of the execution itself, it has been held to extend to the seizure of goods upon process of outlawry, it being considered as an execution at the suit of a subject, and not of the king (*s*); but, where a sheriff's officer, being in possession of the tenant's effects under an *outlawry*, made a distress for rent, and sold the goods so distrained, and afterwards the outlawry was reversed, it was held that the officer was liable to pay the produce in an action for money had and received. (*t*).

(*p*) Andr. 219.

* Stra. 1024.

(*q*) 1 Maule and Sel. 245.

(*r*) Peacock *v.* Purvis. 2 Brod. and Bing. 362. By the *English* statute 56th Geo. III. c. 50, all doubts on this head appear to be precluded. It is rather extraordinary that the benefit of that statute are not extended to Ireland ; however, the equity of that act may be taken into consideration.

(*s*) Bunb. 194.

(*t*) 7 D. and E. 259. Bunb. 194. *acc. ib.* 5. *semb. contr.*

And before removal of the goods under a *sequestration* out of the Court of Chancery, the landlord is entitled to one year's rent by the equity of the stat 8 Ann. c. 14. for the legal remedy of distress cannot be enforced against sequestrators any more than against receivers (*u*).

The proper remedy against the Sheriff for removing the goods from the premises before the year's rent is paid, is a special action on the case (*v*); or instead of bringing an action, the landlord may move the Court that he may be paid by the Sheriff what is due to him out of the money levied (*w*). But an action for money had and received cannot be maintained by a landlord to recover the amount of a year's rent against the Sheriff who has sold his tenant's goods under an execution. So if goods distrained by the plaintiff be delivered by him to the defendant, on his promising to pay the rent, an action for money had and received will not lie for the value of the goods, though the defendant do not pay the rent (*x*). Or, if upon the tenant's goods being taken in execution, the agent of the landlord accept from the Sheriff's officer an undertaking to pay the rent, and then consents to the goods being sold, the landlord cannot maintain an action against the sheriff, if the rent is not paid according to the undertaking, or though it be void under the statute of frauds *.

Lastly, as every thing which is distrained is presumed to be the property of the wrong doer, it follows, that such things wherein no man can have an absolute and valuable property (such as cats,

(*u*) 1 Swanst. 457.
(*v*) 4 Durnf. and East, 687. 5 Esp. 8.
(*w*) 2 Wils. 140.
(*x*) 4 Durnf. and East, 687.—3 Esp. 8.
* 3 Camp. 24.

What things may or may not be distrained.

rabbits, dogs, and all animals *feræ naturæ* (cannot be distrained, yet at this day if *deer* (which are *feræ naturæ*) are kept in a private enclosure for the purpose of sale or profit, this so far changes their nature, by reducing them to a kind of stock or merchandise, that they may be distrained for rent (*y*), and the same rule would apply to rabbits, &c.

When to distrain.

The landlord cannot distrain on the rent day, because the rent is not considered due till midnight (*a*), and the distress must be of rent in arrear: it is clear that if he distrain, it matters not how short a time before the rent is due, an action will lie *. In general, also, it seems to be essential to rent that it should be payable at the *end* of the portion of time for which it is a consideration, and therefore it is not distrainable for before the expiration of that period; but this may be regulated by the agreement between the parties. If therefore the rent be made payable at the *beginning*, instead of the end of each quarter, there is no objection to the landlord's distraining after the day of payment †.

The distress for rent (*b*) cannot be at *night*, that is *after sun set*, and *before sun rise*, because the tenant hath not thereby notice to make a tender of his rent, which possibly he might do to prevent the impounding of his cattle (*c*); so, it will be seen, distress ought not to made after *tender* of payment,

(*y*) Willis, 46.

(*a*) 10 Rep. 127. (b) 1 Saund. 287.—Strictly the rent is demandable and payable before the time of sun set of the day whereon it is reserved, 2 Bla. Com. 42; yet the rent is not due till the last minute of the natural day; for if the lessor dies after sun set, and before midnight, the rent shall go to the heir, and not the executors. Co. Lit. 202. a. n. 2. See this point fully investigated. 1 Saund. 287. n. 16.

* M'Coll, *v.* Mason.—Exch. *Ire.*—Trin. 1824.

† 2 Durn. and East. 603.

(*b*) But a man may distrain in the night beast *damage feasant*, because otherwise they might escape before morning.

(*c*) Co. Lit. 142 (a).

for if the landlord come to distrain the tenant may, before the distress, tender the arrearages; and if the distress be afterwards taken, it is illegal. So if the landlord *has* distrained, and the tenant make a tender of the arrearages *before* the impounding of the distress, the landlord ought to deliver up the distress (*d*), and if he does not, the detention is unlawful *.

A distress may be made of rent due *before* the expiration of the time mentioned in a notice to quit, without being a waiver of the notice; it may also be for rent due *after* the expiration of the time in the notice, but in such case the notice is clearly waived (*e*); so a distress may be made *after* an ejectment for non payment of rent has been brought, and if after crediting the produce of the sale of the distress, a *full year's rent* is in arrear, the lessor of the plaintiff may *still* proceed and maintain his ejectment (*f*); and in a recent and very important case it was determined that after judgment in ejectment for nonpayment of rent, and before execution, the landlord may, within six months after the demise on the ejectment, distrain for the rent on account of which the ejectment was brought (*g*).

At common law no distress could be made but *during* the tenancy: the landlord therefore could not distrain after the expiration of the lease, even where the tenant held over, consequently, where the tenancy expired on the next day, he had no remedy for the rent accrued on the last rent day

(*d*) See several authorities accordingly cited in the case of the six carpenters, 8 rep. 147, in which case lord Coke states the diversities in point of effect between tender on the land before distress, and before inclosure. See also Hob. 207. Co. Lit. 160. b. n. 4.

* 2 Inst. 507.

(*e*) 1 H. Bla. 311.

(*f*) Lessee Burchell, v. Hanly, Exch. *Ire.* 31 May, 1824.

(*g*) Dwyer, v. Peacock, K. B. Ire. 1 Fox and Smith, 34.

When to distrain.

but an action of debt (*h*). By the stat. of 9 Ann, c. 8, s. 7 and 8, the landlord, or *those claiming under him* (*i*), is or are entitled to distrain for arrears within six months after the expiration of the term, provided his title continues, and provided the distress is made during the possession of the tenant from whom the arrears are due (*k*).

This statute has been liberally construed in favour of landlords, where (*l*), therefore, by the custom of the country, a tenant is entitled to an away going crop, and to house it in barns upon the premises for a certain time after he has quitted the premises, the contract is considered as having continuance beyond the original term, so that the landlord is not restrained to *six* months after the term, but he may distrain corn so left after that time; but a termor after his term expired, and demand of possession by *his* lessor, cannot distrain his *under* tenant continuing in possession (*m*): and further, although the statute gives a power only to distrain during the possession of the *tenant* from whom the arrears became due, yet if the tenant *die* before the end of the term, and his administrators take possession, and continues in possession *after* the expiration of the term, a distress may be made under the statute for the arrears during the whole term, as well during the occupation of the *tenant* himself as during the possession of the *administrators* (*n*).

Where to distrain.

In ordinary (*o*) cases distress can only affect *the premises* out of which the rent issues, a landlord,

(*h*) Bro. Distr. 19. Co. Lit. 47. b. 1 Roll. abr. 672. Cro. Jac. 442.
(*i*) 8 An. ch. 14 *Eng*. The words in Italic are not in the English act.
(*k*) 1 H. Bl. 465. See Dwyer, v. Peacock, Fox and Smith.
(*l*) 1 H. Bl. 5.
(*m*) Burn v. Richardson, 4 Taunt. 720.
(*n*) 1 H. Bla. 465.
(*o*) The king, by his prerogative, may distrain on any lands of his tenant.

therefore, cannot justify the taking a joint distress for two separate rents; for each rent issues out of its own premises, and by taking a joint distress for both, it does not appear that one part has not been made liable to more than its proper share of distress (*p*). If however a tenant confound boundaries for the purpose of preventing a distress, the landlord is entitled to a commission from a Court of Equity to ascertain them.

In trespass for taking goods, the defendant justified that he demised some tenements to the plaintiff for *one* term, and others for another term, and that rent being in arrear on *both* demises, he distrained the goods; on demurer the distress was held ill, for these being separate demises there ought to have been separate distresses on the several premises subject to the distinct rents, and no distress on one part can be good for both rents (*q*). But when lands lying in *different* counties are held under *one* demise, at one entire rent, in such case a distress may be lawfully taken in *either* county for the whole rent in arrear (*r*). So where a rent charge is upon land which is *afterwards* held by several tenants, the grantee may distrain for the whole upon the land of *any* one of them, because the entire rent issues out of every part of the land (*s*).

By the 15th Geo. II. ch. 8, s. 5 (*), the landlord may distrain any cattle or stock of the tenant depasturing on any common belonging to the premises demised; or, if coming to distrain, he sees the cattle *on* the premises, and the tenant in order to prevent a distress drives them away, the landlord may freshly pursue and distrain them; but he cannot distrain

(*p*) Cas. temp. Hardw. 245.
(*q*) 2 Str. 1,041.
(*r*) 1 Lord Ray. 55.
(*s*) 1 Roll. Abr. 671.
(*) 2 Geo. II. ch. 19, Eng.

Where to distrain.

them if, after he sees them, they leave the premises of their own accord: so if they were removed clandestinely, though for the purpose of preventing a distress, the common law did not allow the landlord to follow them; but by the 9th Ann. ch. 8, s. 8 (*t*), extended by the 15th Geo. II. ch. 8 (*u*), "if, after rent becomes due, the tenant clandestinely drives away his goods, the landlord may within *twenty* (*w*) days pursue and seize them wherever they are."

To bring a case within this statute, the removal must take place *after* the rent becomes due, and must be *secret* and not made in open day; for such removal cannot be said to be clandestine within the meaning of this statute (*x*). With respect to the first point, the statute appears to be defective in this ticular, namely, that it does not seem to extend to cases where the goods have been clandestinely removed a *short* time previous to the rent being *due*; such a case is certainly within the mischief intended to be remedied by the act, and Lord Ellenborough, C. J., in one (*y*) case, where the goods were fraudulently removed from the premises *at night*, to prevent the landlord from distraining on them for rent which would be due in the following *morning*, thought there was ground to contend that it came within the provisions of it, but he had great doubts respecting the point.

(*t*) 8 Ann. ch. 14, *Eng.*

(*u*) 2 Geo. II. ch. 19, *Eng.*

(*w*) *Thirty* days in *Eng.*

(*x*) 3 Esp. Rep. 15. This statute applies to the goods of the tenant only, and not to those of a stranger; wherefore a plea justifying the following goods off the premises, and distraining them, &c. must shew that they were the tenant's goods, 5 Maule and Sel. 28.

(*y*) 4 Camp. N. P. C. 136. 3 Esp. N. P. C. 15. Where the assignees of a bankrupt, who was lessee of pasture land, being chosen on the 8th of the month, allowed cows to remain upon the demised premises till the 10th, and ordered them to be milked there, it was holden that they became tenants to the lessor, and the cows being removed on the 10th, to avoid a distress for the arrears of rent, that he had a right to follow and distrain them under the above statute.—4 Camp. 368.

Where to distrain.

A creditor with the assent of his debtor, the tenant, may take possession of his goods and remove them from the premises for the purpose of satisfying a *bona fide* debt, without incurring the penalty inflicted by this act against persons assisting a tenant in removing his goods from the premises, although such creditor takes possession, knowing the debtor to be in distressed circumstances, under an apprehension that the landlord will distrain. (*z*)

Lastly, no private person can distrain beasts on the *high road*,* for the high road is privileged for the sake of trade and commerce.

Manner of distraining.

The landlord himself, or any other person by his authority, may distrain; and it is not absolutely necessary (though usual) to give a *written* warrant to enable the bailiff to make a distress, not even in the case of a corporation aggregate, and it is even laid down that a subsequent assent (*a*) given by the landlord is sufficient by relation, though there had not been any previous authority from him, consequently any informality in a written warrant cannot affect the landlord; however, by the stat. 13 Edw. I. c. 37. no distress shall be taken but by bailiffs sworn and *known*, and if they take distress otherwise, and thereof be convict, if the parties grieved will purchase a writ of trespass, they shall be restored to their damages, and the other grievously punished.

But although a written warrant (*b*) is not absolutely necessary, yet it is highly adviseable, (unless, perhaps, where the known bailiff of the landlord

(*z*) 5 Maul. and Selw. 200.

* Stat. 52 Henry 3. c. 15.

(*a*) Salk. 191.—3 Lev. 107; but see Gilbert on distress, 229,—1 Leon. 50—where said that in case of a joint distress the warrant *must* be signed by all the coparceners.

(*b*) It is to be on a 10*s.* stamp.

Manner of distraining,

makes the distress,) because by manifesting the bailiff's authority to seize, it may prevent a breach of the peace; for if an utter stranger were to enter a tenant's house without any thing to shew his authority, it would be difficult to say what the result might be; but if the warrant be informal, it is clear that it cannot be insisted upon as an item of charge against the tenant *in* the costs of distraining.

The manner of making the distress is by entering on the premises, and if in a house making a seizure of a chair or other article, and saying, "*I seize this "chair, &c. in the name of all the goods in the house "for the sum of ——l. being a year's rent due to "A. B. on the 29th of September last;*" an inventory should then be made of the goods, and a written notice at foot of a copy of the inventory given to the tenant, acquainting him of the distress having been made, and the time when the rent and charges must be paid, or the goods replevied,*—by having a person to accompany the distrainer and examine the inventory, he can attest the regularity of the proceeding if there be occasion.

Distress may be taken in a house if the outer door be open, so if a window is open the landlord may enter the house through it (*c*), but in an action of trespass for entering at a window, (which the defendant alleged was open,) the *bailiff* not being credited, the plaintiff had judgment (*d*): but a landlord cannot break open an *outer* door or window for the purpose of making the distress, although if an *outer* door is open, and he enters, he may break open *inner* doors (*e*).

Where (*f*) a landlord occupied an apartment over

* Esp. Ni. Pri. 419.
(*c*) 1 Roll. Abr. 671.—5 Rep. 92. (*a*)
(*d*) Guilford *v.* Sharpe, Exch. Trin. 1825.
(*e*) Comb. 71.
(*f*) 4 Taunt. 562.

a mill demised to a tenant, which was divided from it only by a boarded floor, it was held that no trespass would lie against him for taking up the floor of his own apartment and entering through the aperture to distrain for rent. In order to make out his case the tenant ought to shew that the boards were his sole property; if they were the ceiling of the room below, he could be but tenant in common of them, and although he might have some remedy for being disturbed in the use of his ceiling, he cannot maintain trespass, for after the landlord had removed the floor he might enter without trespass.

A landlord cannot, in order to distrain, enter into his tenant's *barn if locked, or if there is a padlock thereon* (*g*); and as there is not any enactment in Ireland corresponding with the provision of the English statute, 11 Geo. II. c. 19. s. 7. (*h*) the landlord may be defeated of his remedy by distress:—that such provisions are not extended to Ireland is the more to be regretted, and the dilemma is the greater, because the landlord may be obliged to wait until a *full* year shall be due in order to eject the tenant; for if it eventually turn out that there was sufficient distress in such locked up barn, an ejectment brought under the statute for *more* than half a year's rent (*i*) would be defeated.

Care should be taken that distresses are not excessive, but be proportionable to the rent distrained for (*k*); and although the common law allowed the distrainer to take *more* than the value of the distress, and gave no action of trespass or otherwise

(*g*) 9 Vin. Abr. 128. pl. 6.

(*h*) By this statute, if goods are fraudently removed or placed in a barn, which is locked to prevent a distress, the landlord taking a constable, or if it be a dwelling, making oath that there are grounds to suspect the goods are there, may in the *day time break open* and enter into such place.

(*i*) Lessee Tuthill, *v.* Molony, Exch. Mich. 1284.

(*k*) Stat. 51 Hen. 3. Stat. 4.

Manner of Distraining,

for excessive distress (*l*), a remedy is given by the 52d Henry III. c. 3, "that persons taking unreasonable distresses should be severely amerced," —the mode in which that remedy is obtained is by a special action on the *case*, (*m*) founded on the statute, to support which express *malice* is not necessary.

But this action cannot be maintained for every trifling excess; the distress must be excessive to a disproportionable extent (*n*); so that if there be but one *entire* thing on the premises, as a carriage, though it be of disproportionable value, it is not unreasonable to seize it (*o*), but if an horse is distrained for a small sum where a sheep might be taken, this is excessive; so if two or three oxen are seized for 12*d*. it is unreasonable.

Although by the 25th Geo. II. c. 13. (*p*), the value of the sale of the distress cannot be afterwards questioned, this does not apply to, or prevent the original seizure from being excessive; and as there is not any enactment in force in Ireland corresponding with the provisions of the 19th and 20th secs. in the English statute 11th Geo. II. c. 19 (*q*), if any one irregularity is committed in the

(*l*) Because the distress being originally a privilege given by law, the excess was considered a continuation, though unreasonably so, if a lawful act—2 Str. 851—1 Burr. 590—7 Durnf. and East. 654.

(*m*) In one case where 100 oz. of gold and 100 oz of silver were taken, as a distress for 6*s*. 8*d*, *trespass* was held to be, because the excess appeared on the pleadings, cited 1 Burr. 590.

(*n*) 6 Esp. N. P. C. 71.

(*o*) 2 Inst. 107—1 Roll. Abr. 674, so it has been held that for a small demand a cart *and* horses may be distrained, because they are not *severable* from each other (2 vent. 183); but this opinion, as to the severance, appears erroneous, and it is clearly for the tenant's and the public benefit that the landlord should have the power of taking one of the horses, &c. and leaving the rest.

(*p*) There is no corresponding enactment in *England*.

(*q*) By these, § where any irregularity or unlawful act is done in the progress of a lawful distraining, the distress itself shall not therefore be unlawful, nor the distrainer a trespasser *ab initio*, but the person aggrieved by such irregularity may recover in a special action with costs. See 1 East. 159—11 East. 395—2 Camp. 116. Yet the provision of the 21st s. of this act is adopted in the 15th Geo. II. ch. 8. s. 9, *Irish*.

progress of distraining *here* it vitiates the whole, and makes the distrainer a trespasser *ab initio*.

If several rents have accrued, the landlord may distrain several times for such rents; but at common law (*r*), where there was one rent only due, the landlord must have distrained for the whole at one time. However, by the stat. Wm. III. c. 22 (*s*), he is not precluded from coming a second time, if he has not taken enough at first; but if a second distress is taken for the same duty, it is incumbent on the landlord to shew that at the time of making the first distress there was not sufficient on the premises, or that he had mistaken the value (*t*).

CHAP. III.

Of impounding Distresses.

In considering the subject of impounding distresses in *Ireland*, for sake of perspicuity we shall view it with reference, 1st to *Cattle*, 2d. to growing crops, 3d to dead chattle other than hay or corn in cock, and 4th, to hay and corn in cock or barn.

At common law a man might have impounded distress in *what* county he pleased, but this being found very inconvenient to the owner, who was thereby at a loss where to find his beasts either to feed *or* replevy them, it was provided for by the stat. 52d Henry III. *c.* 4 (*a*), "that none shall cause *any* distress to be driven out of the *county*";*

(*r*) Moor 7.
(*s*) S. 3—17 Car. II. c. 7. *Eng.*—and see 19 Car. II. c. 5.
(*t*) Moore 7 Pl. 26. 2 Lutw. 1532.
(*a*) See also 3 Ed. I. ch. 15.

* Upon that statute, 52 Henry III. it has been held, that where the tenancy is in one county, and the *manor* in another, the lord might drive the distress to the manor found, though out of the county where the distress

Of impounding Distresses of Cattle.

but as this statute merely confined the impounding to the same *county*, the act 13 Car. I. c. 25. s. 1,* was therefore passed, by which—" no distress shall be driven out of the hundred or *barony* where such distress shall be taken, except it be to a pound overt within the said shire, not above *three* miles distant from the place where the distress is taken ;" and by the same act, " *no cattle or other* goods taken by way of distress for *any* cause, at any *one time*, shall be impounded in *several places*, whereby the owners of such distress shall be constrained to sue several replevins for the delivery of the distress so taken at any one time, upon pain that every person offending shall forfeit to the party grieved, for *every* offence, an *hundred shillings*, and treble damages."

In an action on this statute, it has been held that the plaintiff cannot recover *costs*, because the statute does not mention costs, and no damages were recoverable in such case at common law (*b*) ; and further, that the offence created for impounding a distress in a *wrong place* is but a *single* offence, and shall be satisfied with *one* forfeiture, though three or four are concerned in doing the act, as the offence cannot be several so as to make each offender separately liable to the penalty, the meaning of the statute being, that the penalty shall be referred to the *offence*, and not to the *persons* (*c*) ; thus, therefore, where *three* persons distrained a flock of sheep, and *severally* impounded them in three several

was taken ; because the tenant, by attending the manor court, was presumed to know every thing transacted in the manor, and therefore that this case was out of the mischief provided against by that law.

* 1. 2 Phil. and M. ch. 12. s. 1. *Eng.*

(*b*) Cro. Car. 360—Dyer 177—Roll. Abr. 516.

(*c*) Cowp. 612.

Impounding distresses of cattle.

pounds, it was ruled that they should forfeit but one *5l.* and one treble damages *.

Where the defendant justified impounding cattle *damage feasant*, and in evidence it appeared that he put them into the *next* pound, though it happened to be in *another* county, LEE, *C. J.*, held that it did not make him a trespasser, though it subjected him to the penalty in the statute 10 Car. I. (*e*). And in another case, where lands lying in *two adjoining* counties were held under *one* demise, at one entire rent, and the landlord distrained cattle in *both* counties for rent arrear, it was holden that he might chase them all into *one* county; though if the counties had not adjoined, it would have been otherwise (*f*).

But *now*, by the 5th and 6th Geo. IV. c. 43, s. 8, "Any *cattle* which shall be seized and distrained for the purposes of being impounded, in order to secure and enforce the payment of *any rent*, or to levy the amount of any decree of Court, or for any trespass or *other matter whatsoever*, shall be driven to, and shall be impounded in the *pound overt*, which shall be situate NEXT AND NEAREST TO THE LAND upon which such cattle shall have been so distrained, AND WITHIN THE SAME BARONY AND COUNTY, to be then and there dealt with according to law."

By s. 9, it is provided, "that in all cases where there shall be a *manor* pound appertaining, *or* reputed to appertain to any *particular* manor or estate, all or any cattle which shall be seized and distrained on any *land belonging*, or reputed to belong, to *such* manor or estate, shall and may be im-

(*) Cro. Eliz. 480.—S. C. Moore, 455.—1 Salk, 182.—But Fenner J. said, "If the plaintiff brings his action against them severally, every one "shall pay 5*l.*"—Noy. 62.

(*e*) 2 Stra. 1272. 3 Lev. 48.

(*f*) 1 Lord Ray. 53; and see a case Gouldsh. 100, cited Gilb. 64.

Impounding distresses of cattle.

pounded in the manor pound of such manor estate (*)."

When the cattle are so impounded, the owner may and should attend to and sustain them at his own peril (*g*);—by the 51st Henry III. stat. 4, "where the sheriff or any other take the beast of other, they to whom the beast belong *may* give them their feeding, without giving any thing for their *keeping* (*h*);" and by the 6th Geo. IV. ch. 43, s. 4, "the magistrates assembled at Michaelmas quarter session, in their several districts, are impowered to fix a rate which it shall be lawful for poundkeeper to charge for the sustenance of cattle committed to the pound, *in case the owner of such cattle shall not feed them himself.*"

If the cattle *die* in the pound without any fault of the distrainer, in such case he who made the distress shall have an action of trespass, or he may *distrain again* if the distress was for rent (*i*); so if the cattle are *stolen* from such pound overt, the distrainer is not answerable, because such is the proper place for impounding cattle (*k*).

The distrainer cannot work or use the thing distrained, whether it be in a pound *overt* or *covert*, because he has only the custody of the thing as a pledge, and therefore is not to make use of it; but the *owner* may make profit of it at his pleasure. Neither can the distrainer tie or bind a *beast* in the pound, though it be to prevent its escape, for *beasts in pound are in the custody of the law*, which intends the preservation of the pledge, and there-

(*) By s. 10, "If any cattle distrained shall be impounded in any pound *contrary* to the direction and provisions of this act, every person so offending shall, upon conviction, be liable to forfeit and pay any sum not exceeding five pounds for each such offence."

(*g*) Co. Lit. 47.
(*h*) See Post. *Costs*.
(*i*) 1 Salk, 248.
(*k*) 12 Mod. 662.

Impounding distresses of cattle.

fore the distrainer at his peril must do no act that tends to the hurt or destruction of them (*l*).

It seems doubted whether the distrainer can so far use such distress as cows, &c. as to milk them (*m*); which *may* be for their benefit; however, as he acquires no property in the distress, and as the writs *de parco fracto* and of *rescous* are not founded on that supposition, it is conceived that he cannot take such profits; and further, it may be one of the reasons why the law requires such distress to be placed in a pound *overt*, namely, that the owner might come and milk them himself; and for the same reason the distrainer cannot maintain trespass or trover for the distress.

Impounding and disposing of growing crops.

We have already seen that the right to distrain growing crops which had existed long prior thereto in *England*, is, by a late statute extended to *Ireland*; but as there are some difference in the acts in the two countries, and as the course in such cases is somewhat peculiar, it may be expedient here to offer a few general observations on the subject.

The difference alluded to between the English and Irish acts chiefly arise from the passage in the former, with respect to *appraising* the distress when cut, directed by the English statute, which is omitted in the act relating to Ireland; there appears also a verbal difference with respect to the *place* where the distress is to be secured; if there be *no* barn on the premises, in England the act directs the distress in such case to be placed in such barn as the landlord shall *have*,* or otherwise procure. "The act in Ireland says, "in such barn as the landlord shall *hire* or otherwise procure;" let it not be

(*l*) 1 Salk. 248.

(*m*) See 1 Leon. 220.—Noy. 119.—1 Roll. abr. 673. l. 32.—9 Vin. abr. pl. 8.—Bla. Com. 13. Cham. 626. Gilb. 65.

* This appears to be a mistake in the recital of the English act in the Irish statute 56 Geo. III. c. 88—the word in the English act is "*hire*," not "*have*."

Impounding and disposing of growing crops.

thought, however, that if a landlord in such case happens to *have* a barn *off* the premises, that he is not authorized in using it, and further he is not entitled to any charge against the tenant in such case as for the *hire* of such barn.

The words of these acts as to what may be distrained are very comprehensive, and embrace almost all things *growing*: thus, potatoes are comprehended under the words "*Roots*;" however, trees, plants and shrubs growing in a nursery ground, we have seen, are not embraced within any of the terms, and are not distrainable*.

As to the sale of growing crops there seems but little analogy with other distresses; it is clear they cannot be sold until cut, gathered, cured or saved; and in a late case it was decided that a sale of standing corn taken as a distress for rent before being *ripe*, was void, and that the tenant need not replevy it; however, as no legal damage could arise to him from such sale, that he had no ground of action in respect thereof; where therefore the plaintiff had stated this as damage in his declaration, and had recovered damage in part on that account, the Court directed a new trial unless he would consent to reduce the verdict.†

One principle that may be laid down as a rule with respect to the cutting and saving of such distress is, that the landlord ought to act with respect to the crops with due care to the tenant's interest; they ought, therefore, to be saved in the best manner

† 3 B. Moore 114,—Growing crops may be considered in the nature of *goods* and *chattles*, as they may be distrained as articles of the latter description; where, therefore, the condition of a replevin bond was, that the defendant should prosecute his action with effect against the plaintff for taking his goods and chattels, *and growing crops*, and in the declaration the bond was set out as conditioned, to prosecute with effect for taking and detaining *the goods and chattels* in the said condition mentioned, it was held, that this was no variance—7. B. Moore, 231.

‡ 3 Bar. and Ald. 47.

of good husbandry, according to the course of the county.

Although such distress cannot be sold until it is saved, yet is it considered, that corn may be sold in the *sheaf*,—but potatoes cannot be disposed of until they are dug out, and the *notice* of sale ought not to be given until the crop shall be cut and saved, as in the case of corn or hay; or of potatoes, until there is a certainty of their being dug and ready for sale on the day mentioned.*

One essential difference between the *sale* of crops and other distress is, that it need not be one *entire* thing; in other words, each distinct *part* of the crops may be disposed of, according as it is ready for sale, without waiting for the *entire* to be saved and sold together; for on the one hand, as it would be of mischievous consequence to say, that if one part was ready for sale, that the landlord had a right to dispose of another part or kind of crop that was not ready;* so on the other hand, if a *part* was ready it would be severe if the landlord had *not* a right to his present remedy for so much, but should be obliged to wait months, perhaps, until the entire came to perfection.

The expenses of cutting, saving, &c. and where a barn is necessarily *hired*, a reasonable sum, or *rent*, may be charged against the tenant; but where the landlord can secure the distress without placing it in a barn, or where he has a barn of his *own* on or convenient to (*) the lands distrained to place the distress in, (if it be absolutely necessary to do so), in either case a charge ought not to be made for rent of a barn.

Another difference between the *Irish* and *En-*

* See Post.
† See 5 Bar. and Ald. 47.
* Ante.

Impounding and disposing of growing Crops.

glish statutes which may be observed is, that in the English act, immediately after the direction as to impounding, that act makes it lawful for the landlord, "*in convenient time to appraise, sell, and otherwise* dispose of the same, towards satisfaction of the rent and charges, &c." but in the Irish statutes the words marked in *Italic* are not introduced; it is also remarkable that the section in the English act with respect to *paying* the arrears and costs before the crop is cut, and the distress thereupon ceasing, is not noticed in the clause relating to *Ireland*; yet, although the preamble only recites that it is reasonable that the remedies to *landlords* should be as extensive *here* as in *England*, still there is no doubt that if the rent, &c. was so tendered, the equity of the English statute would relieve the tenant here, exclusively of any other rule of law as to tendering the rent (†).

Another essential difference is, that the English act of 11th Geo. II. c. 19. provides, "that *notice* of the place where the crops distrained shall be deposited shall, within *a week* after such depositing, be given to the tenant, or left at his last place of abode;" consequently, the *convenient* time mentioned in that statute cannot be measured with reference to the *five* days allowed for replevying by the English statute, 2d William and Mary, so far as respects growing crops, because the 11th Geo. II. c. 19, as stated, supposes that notice of the place the distress is lodged in may *not* be given to the tenant within those *five days* §; but in *Ireland*, this is all otherwise, the week's notice is not directed or required by the provisions of the 56th Geo. III. c. 88, and even were it necessary by the equity of the English act, it

† See post.
§ Chamb. 662.

might be complied with; and still the 56th Geo. III. c. 88. be not inconsistent with the act 25th Geo. II. *Irish*; therefore it is submitted, that the *eight* days allowed to the tenant for redemption under the 25th Geo. II. c. 13. s. 5. *bre.* should elapse, previous to the notice of the intended sale as directed by that statute being posted, unless, perhaps, where it would work an injury to the the tenant ‡; further the wording of the Irish stat. 25th Geo. II. is very comprehensive, viz. *all* distress, unless redeemed in eight, &c. and although that stat. passed long antecedent ‖ to the act, allowing the seizure of growing crops here, still there is nothing in the 56th Geo. III. c. 88, to prevent the directions of the 25th Geo. II. being carried into operation and effect; and that statute (25th Geo. II.) was expressly made to *regulate* the sale of distresses in Ireland; thus, although growing crops may not, of necessity, be sold until long subsequent to the fifteenth day, still it is conceived that they ought *not* to be disposed of until that time, and it would be harsh and inequitable to do so; and further, whether disposed of on the 15th day, or not until long subsequent thereto, the landlord ought first to cause notice in writing of the place and time intended for such sale to be posted six days previous to the time of such sale, in the next market town, at the usual place for posting up public notices †.

The next observation that I shall make on the subject is with respect to payment of *tithe* for a crop distrained before severance:—we have seen

‡ As in the case of fruit.

‖ Suppose an act now passed to allow the seizure of things attached to the freehold, &c. as a distress, in Ireland, surely the time for the disposal of such distress would be regulated with reference to the 25th Geo. II. unless there was something in the new act inconsistent with the provision of the 25th Geo. II. as by directing a *month's notice* of the sale to be given.

† 25th Geo. II. c. 13.

that the corn, hay, &c. cannot be sold until served, and it appears that the landlord is bound to secure the parson or impropriator the value of the tithe: it is obvious, if they are on friendly terms, it may easily be ascertained, and then deducted from the value of the distress; however, if they deal strictly with each other, it is adviseable to serve a notice on the parson or impropriator, stating the day of sale; on which day, before the sale takes place, his tenth ought to be set out, or in other words the day of sale and selling out of the tithes ought to be on the *same* day. In many places in *Ireland*, especially in the north, it is usual to pass tithe notes; if a tenant has passed such tithe note, and the landlord can ascertain the fact in making a distress, he is not bound to set out the tenth, but may sell the entire, or a sufficient portion to satisfy the arrear.

Before I conclude this subject, it may not be unimportant to observe that *fructus industriales*, as *Corn, &c. growing*, which go to the executor, may be sold under a *fifa*, &c. in *Ireland* as well as in *England* (‡); however, *apples* growing upon trees, which belong to the *heir*, cannot be sold under execution §.

Where growing crops of a tenant having been seized under a *fifa*, and a writ of *haberé* was subsequently delivered to the sheriff in an ejectment at the suit of the landlord, founded on a demise made long before the issuing of the *fifa*, the Court held that the sheriff was not bound to sell the growing crop, inasmuch as they could not in point of law be considered as belonging to the tenant, he being a trespasser from the day of the demise in the ejectment †; and in another case it was held that growing crops taken under a *fifa* in the hands

‡ Gilb. Exeon. 19.—1 Salk. 368.
§ See Gilb Exon. 19.
† 3 Bar. and Ald. 98. and see 9 Price, 287.

Impounding and disposing of growing Crops.

of the sheriff's vendee, are protected from the landlord's distress for rent subsequently accruing *.

Impounding Corn in cock, &c.

With respect to impounding corn in sheaf, &c., the 7th Wm. III. c. 22, authorising the seizure as distress for rent † of any sheaves or cocks of corn, or corn loose in the straw, or hay lying or being in any barn, or upon any hovel, stack or rick, or otherwise upon any part of the land charged with such rent, enacts, "that such corn, grain or hay, so distrained be NOT REMOVED by the persons distraining to the *damage of the owner out of the place where the same shall be seized*, and be kept there as impounded until the same shall replevied or sold."

Thus we perceive that the very law which infringed upon the principle of a distress being considered as *a pledge*, so far as regards corn in stack, &c. makes the best provision to prevent the change in the principle from being injurious to the tenant, by obliging the landlord to impound such distress in the place where found, or at least preventing its removal to the tenant's injury; so that in the event of replevin it might be restored in the same plight in which it was found.

Impounding dead Chattle.

With respect to impounding *dead chattel*, &c., such as household goods, which may receive damages by the weather, or be easily carried away, they must be put into a pound *covert*, such as a stable or barn, for otherwise the distrainer will be answerable for them if they are damaged, or stolen; and this pound covert must be within *three* miles of the place where the distress is taken, and in the same county (*a*), under the 10th Car. I. c. 25. However such distresses may now be impounded

* 2 Brod. and Bing. 362, and see Wils 131.
† Ante page 20.
(*a*) Co. Lit. 57 (C) Stat. 10 Car. I. Sess. 2 c. 25.

Impounding dead Chattel.

on such part of the premises as shall be most convenient by virtue of the 15th Geo. II. c. 8. s. 6 (*b*), by which statute it is provided, "that it is lawful for any person come and go to, and from such place where any distress for rent shall be impounded and secured as aforesaid, in order to view, appraise, and levy, and also in order to carry *off* or remove the same on account of the purchase thereof."

The usual course in practice is to impound such dead chattel *on* the premises, and in such cases it will be a sufficient impounding under the statute, although no lock be put on the door (*c*).

Strictly speaking, every room in a house may be stripped, and all the furniture impounded in *one* room, but in general it is sufficient if the landlord seize some of the goods in the name of all. And if the furniture be kept in the same state in which the distrainer finds them, it will be a question for the jury, whether this was not done with the concurrence of the tenant, and if so the landlord will not be precluded from the benefit of the distress (*d*).

Lastly, by the 10th Car. I. c. 25, which is applicable to the impounding of all kinds of distresses, any goods taken by way of a distress, at any *one* time, shall not be impounded in *several* places, whereby the owner shall be constrained to sue forth several replevins.

On a casual perusal of the several statutes with respect to impounding distresses, a difficulty may appear to exist in cases of very frequent occurrence, namely, where sheafs of corn *or* growing crops *and* cattle are seized as a dis-

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(*b*) 11 Geo. II. c. 19 *Eng.*
(*c*) 5 D. and East. 432—Cas. temp. Holt. 416.
(*d*) Sittings before Lord Mansfield, 1774, Buller's MS. cited Cham. L. & T. 623.

Impounding dead chattel.

tress: On the one hand, the cattle *must* be impounded in the nearest *pound overt* in the barony, under the late act 6th Geo. IV. c. 43— the growing crops must be impounded *on* or in a barn near the premises, under the 56th Geo. III. c 88. and the corn in sheaf, &c. cannot be removed off the premises to the damage of the owner, under the 7th William III. c. 22. whilst by the 10th Car. I. c. 25. *any* goods taken by way of distress at any *one* time shall not be impounded in *several* places; however, by the concluding words of the passage in the 10th Car. I. c. 25. namely, "whereby the *owners of such distress* shall be constrained to sue out several replevins," these several statutes are all reconcileable and consistent with each other, for although cattle and corn growing be so seized and empounded in *several* places (as of necessity they must), still as both must be within the *same county*, the owner would not be constrained to sue out several replevins.

Impounding. Distresses.—Pound Fees, &c.

By 10th Car. I. sess. 2. c. 25. sect. 2. (*a*), (*Ire.*) "no person shall take more than *four pence* for impounding a distress, and where *less* hath been used *less* shall be taken, under a penalty to the party grieved of five pounds, together with the excess of the sum taken." This law is still in force in *England* in all cases, as also in *Ireland* so far as regards *any* distress, excepting *cattle*, with respect to which it is enacted by the 6th Geo. IV. c. 43. sect. 5. "that the keeper of every pound in Ireland, legally constituted, may demand as *pound fees* for the *cattle* of the

(*a*) 1 Phil. and Mary, c. 12. sect. 2. Eng.

several descriptions which shall be impounded therein, the several sums following, and no more; —that is to say, for the *first or only horse, mule* or *ass*, and for the *first* or *only horned beast*, commonly called *black cattle*, the sum of *five pence*; and the further sum of *two pence* for *each* and every *additional beast* of the kind impounded *at the same time for the same distress*; and for any *one or more* not exceeding *four* in number of *sheep, lambs, goats* or *swine* which shall be so impounded, the sum of *four pence*, and the further sum of *one penny each* for *every additional animal* of the *like* kind *beyond four*, impounded at the same time, or for the same distress."

By sect. 6. " the several sums so by this act authorised to be demanded by any such pound-keeper, shall be *deemed to be in full satisfaction as pound fees* to such pound keeper for *three days*, consisting of *seventy-two hours* next after the time when *such cattle* shall be so impounded, whether such cattle shall remain impounded during the *whole*, or during *part* only of such *seventy-two hours*, and that *after* such three days, it shall be lawful for any pound keeper to demand *one half* of the like sum, at the rate herein before mentioned, for every additional seventy-two hours, during the *whole* or any *part* of which *any cattle* of the description herein before mentioned shall remain in the custody of such pound-keeper in such pound, and whether such cattle shall remain impounded during the whole or during *part* only of such seventy-two hours. Provided always that no greater sum shall be demanded or taken by any pound-keeper as *pound fees* for *any one distress* for the same demand than the sum of TWENTY PENCE in the *whole*, whatever

may be the *number of animals* taken for such distress, or whatever may be the *length of time* that *they* shall have been impounded for the same."

By the seventh section, " if any pound keeper in *Ireland* shall demand or take any greater sum for the impounding of *any cattle* then he is by this act authorized to demand, or if the walls of the pound of any such keeper shall not be well and substantially built with stone or brick, and of the height of *seven feet* at the least, or if three fourths at least of the area of any such pound shall not be scraped or swept *once* in every *twenty-four* hours at the least, or otherwise kept clean and in good order, and with a sufficiency of wholesome WATER for the cattle which from time time to time shall be kept therein, or if any pound-keeper shall take upon himself to administrator *any oath*, every such pound-keeper, upon conviction of any such offence or neglect shall forfeit and pay a sum not exceeding *five pounds.*"

By sect. 11. " all penalties incurred under this act by any person who shall be guilty of any offence against this act, and all damages not exceedng *ten pounds*, to which any pound-keeper shall or may be subject by reason or on account of neglect or default of such pound keeper, either in enlarging any cattle distrained and impounded, or in permitting any such cattle to be enlarged, without sufficient authority for so doing, or *by any neglect* in his driving, feeding, or keeping any such cattle, or by any other neglect or default whatsoever of such pound-keeper, shall be recoverable, on complaint of any person aggrieved before two or more magistrates assembled in petty sessions, or reputed petty sessions in the county

in which such complainant shall reside, *or* in which the pound shall be situate; and it shall be lawful for such magistrates, and they are hereby authorized, empowered and required to hear and determine such complaint, provided that such complaint shall be made to them within *one calendar month* next after the offence shall have been committed; or the cause of complaint shall have occurred, and it shall be lawful for such magistrates to issue their warrant for levying any such penalty or sum of money within the sum limited by this act, with reasonable *costs* of such levy by distress, and sale of the goods and chattels of the offender rendering the overplus (if any) to the owner."

By s. 12, "any person who shall think himself aggrieved by the decision of such magistrates may appeal against the conviction to the next quarter sessions of such county, and such appeal shall be tried and finally determined accordingly, provided that *notice in writing* of such intention to appeal, and sufficient securities conditional for duly prosecuting such appeals shall be given to the magistrates before whom such conviction shall be had at the time of their decision upon the particular case; and in case of such notice of appeal, and such security being given, in manner aforesaid, it shall not be lawful for such magistrates to issue their warrant for levying such penalty or sum of money."

In an action brought against a *pound keeper*, he may prove that the goods were put into his custody *as* pound keeper, and that as such he detained them, for a pound keeper is obliged to take and keep whatever is brought to him; he receives no written authority nor warrant, as a gaoler does on the delivery of a prisoner into his custody who must therefore state the warrant in his justification,

but is bound to impound the cattle at the peril of the person who brings them (*k*); therefore, trespass *vi et armis* does not lie against a pound keeper for receiving a distress, though the original taking be tortious; but it is otherwise if he exceeds his duty, and assents to the distress.*

By s. 3. of the 5th and 6th Geo. IV. "every pound keeper whenever, and so often as any animals, of any description, which shall be found *straying*, shall be impounded with him, shall post a written *notice* on the gate of the *pound*, and also upon the nearest *church* and *chapel*, setting forth a description of such cattle so impounded, or in his possession; and such notice shall remain so posted until such animals shall have been claimed, or otherwise disposed of by due course of law. And every pound keeper who shall neglect to post such notices, as aforesaid, shall *not* claim or be *entitled* to receive any poundage *fee* for the custody of such animal, and shall for each such neglect forfeit and pay a sum not exceeding *five* pounds."

If Goods are rescued.

If distress be made without cause, the owner may make rescous BEFORE IT IS IMPOUNDED; yet if it be impounded, the owner cannot break the pound and retake it, because then it is in the custody of the law (*a*); however, if he find the pound unlocked, he may rescue the distress in such case. And if a landlord, after having seized goods in a house, quits possession of them without *impounding* them, a retaking will not be a rescue (*b*); so the distrainer may retake the cattle if the owner let them out of the pound, or if they escape by any other means (*c*);

(*k*) Badkin *v.* Chancellor Cowp. 476. 1 Phill. Ev. 180.
* Cowp. 476.
(*a*) 1 Inst. 47.—3 Bla. Com. 12.—Lord Ray. 105.
(*b*) 6 Mod. 215.
(*c*) Co. Lit. 45.—1 Lord Ray. 83.

If goods are rescued.

but there is no pound breach unless the cattle come out of the pound (*d*).

We have seen that if goods are *stolen* from a pound overt, the distrainer is not answerable for them, because such is the proper place for impounding the cattle (*e*); so if the cattle *die* in the pound without any fault of the distrainer, he is not answerable for them, but may distrain again (*f*).

When a man hath taken a distress, and the cattle distrained as he is driving them to the pound, go into the house of the owner; and he that took the distress demand them of the owner, and he *deliver* them not, this is a rescous in law (*).

If the distress be rescued before *impounding*, the proper remedy of the landlord is by writ of *rescous*; but if the owner break the pound, the remedy at common law was a writ *de parco fracto* (*g*), the statute giving remedy for pound breach or rescue, and the decisions on those statutes we shall proceed to notice.

By the 7th William III. c. 22, s. 6, "upon any *pound breach* or *rescous* of goods or chattels distrained for rent, the persons grieved thereby shall, in a *special* action *upon the case*, recover treble damages and costs of suit against the offenders in any such rescue or pound breach, or against the owners of the goods distrained, in case the same shall be afterwards found to have come to his possession or use." But by s. 5, "in case any such distress and sale, as directed by that statute, shall be made by *colour* of the act for rent *pretended* to be in arrear when none is due, the owner of the goods distrained and sold may, by action of *trespass or* on the case,

(*d*) Winch, 8.
(*e*) 12 Mod 662.—Gilb. 65.
(*f*) 1 Salk. 348.—Lord Ray. 720.
(*) Co. Lit. 161.
(*g*) F. N. B, 228.

If goods are rescued.

recover *double* the value of the goods distrained, with full costs of suits (*h*).

By the 4th Geo. I. c. 5. s. 1. "Where any distress shall be taken by *any* landlord having authority to distrain, or by any persons by such landlord impowered, if such distress or any part thereof be *rescued*, every person so rescuing, being convict thereof, shall be committed in execution by the Court before whom such conviction shall be had, for such fine as the Court shall impose on such offenders; and in case the party convicted shall not pay to the sheriff of the county such fine as shall be imposed for such rescue *within one month after commitment*, the party convicted, on default of such payment, shall be conveyed by the sheriff to the house of correction, or some workhouse in the county, and there kept at *hard labour* for any time not less than *three* months, nor exceeding *six* months, according to the discretion of the judges before whom such offender shall be convicted."

And by the s. 2, "Such landlords from whom any *distress* shall be unlawfully *rescued*, *may bring his ejectment, and recover the premises as if no distress* were to be found on the same (*i*).

By the 8th of Geo. I. c. 2. s. 7—"If any distress lawfully taken for rent, &c. shall be rescued, if the person on whose behalf such distress was taken, his agent or bailiff, or any person employed in taking such distress, shall within *fourteen days* after such rescue *make oath* thereof before any

(*h*) See 6 Mod. 231. post.

(*i*) If such tenants suffer judgment to pass against the casual ejector, for want of appearing and taking defence. or of confessing lease entry and ouster, or on coming into Court a verdict shall pass against them on proof of the said rescue at the trial, if such tenants shall not pay all rent and arrear, together with full costs, within six calendar months after judgment obtained. the lessees or their assignees shall be barred from all relief in law or equity, other than by writ of error for reversal of such judgment, in case the same shall be erroneous, and the demised premises discharged from such lease.

If goods are rescued—remedies.

justice of the peace of the county where such rescue shall have been committed, such justice shall, by warrant under his hand and seal, order one or more constables of the said county *to go* with and assist the person on whose behalf such distress was taken or his agent, &c. *to distrain again*, and to take with him a number of persons sufficient to secure and convey the distress so to be taken to some lawful pound." The 9th sect. provides, that such sum as the magistrate shall consider sufficient to pay the constables shall be deposited in his hands.

By s. 10—" If it appear upon *oath* to any justice of the peace of the county or place where any corn or hay shall be lawfully distrained, that the same is in *great danger* of being rescued, or unlawfully taken away, such justice shall, by warrant as aforesaid, order any constable of the same county to appoint a sufficient number of fit persons to watch and secure such corn and hay until such time as the same might lawfully be sold, or shall be otherwise delivered by course of law; and each person, so appointed, shall be paid such wages as such justice shall direct, not exceeding *one shilling* nor less than *sixpence* for a day, nor less than *one shilling*, nor more than *one shilling and six-pence* for a *day, and* night's attendance, to any one person."

By sect. 11, a provision is also made with respect to depositing a sufficient sum in the hands of the justice.

In an action brought on the stat. 7th Wm. III. it has been determined, that in cases of pound-breach the costs are *treble*, as well as the *damages*; for damages were given by common law, and the statute only increases them, and since the statute of Gloucester gives costs wherever damages are recovered, the words " costs" in the

If goods are rescued—remedies.

statute 7th of William would be superfluous, unless treble *costs* were intended (*k*); and further, that it is no answer to an action under this statute for a pound breach that the rent *and demand* of the distrainer were tendered after impounding (*l*); in this case it was contended, that although a mere tender of *rent* was insufficient, yet that the difficulty was obviated by tendering the *demand* of the plaintiff, as well as his rent; on the part of the defendant, it was proved, that about an hour after the distress was made, while the plaintiff was yet on the premises (a public house) one of the defendants said to him "come to the bar with me and I will pay you your rent and your demand," and at the same time he pulled a purse out of his pocket, which he held in his hand, To which the plaintiff answered, "No, I will not have the money; I will have the casks I have seized." Subsequent offers were made, which the plaintiff refused, insisting on his treble damages; The Court were inclined to think that the tender was not a *good* tender, but at any rate the tender *after* impounding was insufficient.

In an action of *trespass*, under the same statute, the defendant could not formerly have proved, under the *general issue*, that he entered to take a distress for a rent charge; but this evidence is now admissible by the 15th Geo. II. c. 8. sect. 10 (*m*), "in all actions of trespass, or upon the case brought against any person entitled to rents or services of any kind, or his or her bailiff, relating to any entry by virtue of this act, or otherwise upon the premises, chargeable with such rents or seizures, or relating to any distress or seizure, sale

(*k*) Skinn. 555.—16 Rep. 115.—2 Brod. and Bing. 517.
(*l*) 5 D. and E. 482.
(*m*) Eng. Stat. 11th Geo. II. c. 19. s. 21.

If goods are rescued—remedies.

or disposal of any goods or chattels thereupon, it shall be lawful for the defendant in such action to plead the *general issue*, and give the *special* matter in evidence."

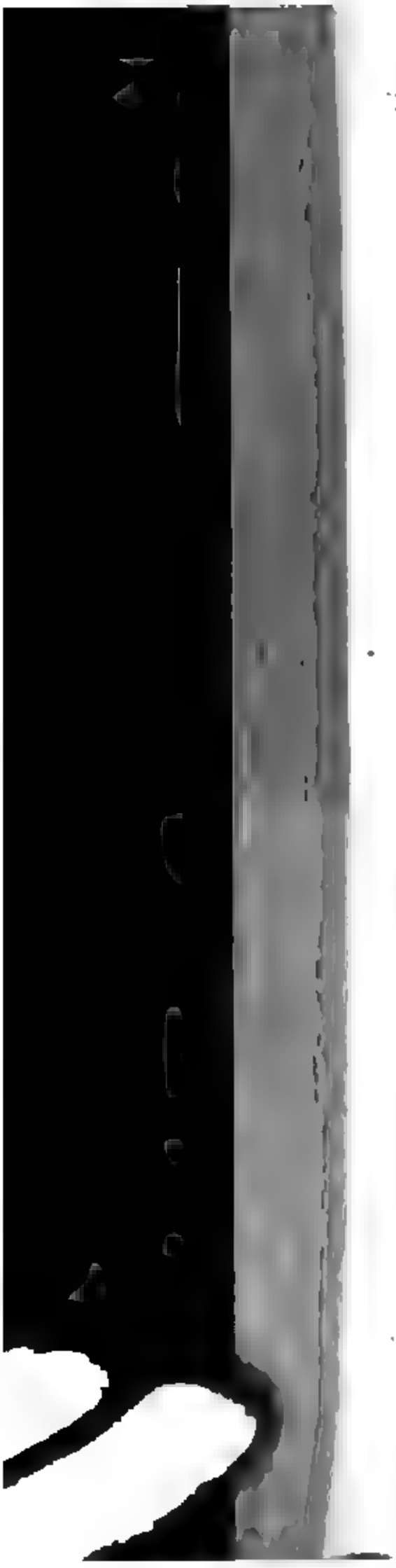
In an action of trespass under the statute of 2 W. and M. for making a *colourable* distress, no demise need be stated in the declaration, it is sufficient if the declaration state that the goods were taken in the *name* of a distress.*

The only statute on this subject that remains to be noticed, is the 6th Geo. IV. c. 43. sect. 2; by which, "if any person shall *rescue* any cattle which shall have been lawfully seized for the purpose of being impounded, or shall break down, injure or destroy any pound, legally constituted, whether any cattle shall be impounded therein or not, or shall commit any pound breach or rescue, whereby any cattle of any description shall escape or be enlarged from any such pound, every such person shall be deemed guilty of a misdemeanour, and upon conviction of such offence, either at the assizes or quarter sessions of the county or place where such pound shall be situated, shall be liable to suffer fine and imprisonment at the discretion of such Court before whom such offender shall be tried and convicted."

If the Tenant be Bankrupt or Insolvent.

A landlord having a legal right to distrain goods while they remain *on* the premises, the issuing of a *commission of bankrupt* against, and the messenger's possession of the goods of the tenant will not prevent a distress for rent, as the assignment by the commissioners merely changes the *property* in

* 4 Mod. 231.



them to a *second* person, t
the premises they are as liable
as the goods of any *other* stra
mission of Bankrupt is not co
tion (*b*) within the meaning
Anne, c. 8. only entitling the
year's rent; therefore, as on t
distrain for the *whole* rent, e
and sale by the assignees of his
so on the other hand, if he
he *removed* without *distraini*
neral, come in for his rent
creditors (*c*), consequently a
claim, without actually distr
cient.

It has been doubted wheth
not distrain between the *sale*
the *removal* of the goods from
it is submitted that the landl

(*a*) 1 Atk. 102—213.

(*b*) After demand made, either an *executo*
landlord may have the like remedies upon th
year's rent out of an execution, as the lar
Wils. 377. Str. 212 But it has been held
administrator, to whom administration was g
der *execution*, and who consequently could n
whilst they were in the hands of the sheriff,

(*c*) 15 East, 230.—Atk. 103.

(*d*) Exparte Plummer, 1 Atk 103. In t
if any goods remain on the premises, they ar
lord, and he may distrain them for his entir
sale by the assignees, if the goods are not re
because no provision is made in the case of t
c. 8, which gives the landlord a year's rent
1 Atk 104. the chancellor said that the law
if he suffer the goods to be *sold* by the assigne
104, the goods were sold by the assignees, but
and it was adjudged that the landlord had *lost*
Devine the chancellor said, Lord Hardwicke
Atk. 104, was founded on the circumstanc
and that he took no notice of the landlord havi
which appears by the report in Atkins to hav

If the Tenant be Bankrupt or Insolvent.

nues whilst the goods are on the premises, and that when removed his lien is gone (*e*).

As a landlord clearly may distrain after an *act* of bankruptcy, it follows that if the rent be paid by the tenant (a bankrupt) *to avoid a distress* which is threatened, that the assignees cannot recover the amount from the landlord (*f*); for he has a legal lien independent of the bankruptcy, and it would be fraud on his legal right to presume that by *accepting* the rent instead of *distraining* for it, he was to be placed in a worse situation (*g*); and in a recent case (*h*), where a trader, being possessed of a beneficial lease, proposed, after an act of bankruptcy, to dispose of it to a purchaser, who refused to take it unless the premises should be first discharged from all arrears of rent which were then due, and the rent was afterwards paid out of the money which the purchaser had agreed to give for the lease, the landlord being aware of the situation of the bankrupt, and there being *no property to distrain on* the *premises at the time;* but the landlord having a right of re-entry, according to a proviso in the lease, it was held that the assignee of the bankrupt could *not* recover from the landlord the rent so paid to him, in an action for money had and received, as the estate of the bankrupt had been benefited by such payment, and as the landlord had thereby *waived* his right to *distrain*, as well as to proceed by ejectment for a breach of the proviso contained in the lease. So if an insolvent tenant convey all his estate to a *trustee*, for the benefit of his creditors, this will not avoid the landlord's right to distrain (*i*).

(*e*) See 1 Bro. Ch. ca. 427.—Cook, B. L. 223.
(*f*) 5 Esp. 200.
(*g*) 5 Esp. N. P. C. 200.
(*h*) 8 B. Moore, 171.
(*i*) 3 Burr. 1886.—4 East. 1, where therefore the creditors after *such* an assignment employed a broker to sell the goods, who accordingly advertised them for sale, and the landlord coming on the premises to distrain, the broker

If the Tenant be Bankrupt or Insolvent.

But if the landlord, *having* distrained for rent, shall *afterwards* prove the debt under the commission, it should seem that since the late act of the 49th Geo. III. c. 121, s. 14 (*k*), he may be considered as having thereby made his election to take the benefit of the commission, and to have abandoned his remedy by distress; the point however has never been determined, and does not come within the precise words of the act.

If the landlord *neglect* to distrain as stated, he is not entitled to a *year's rent* in preference to the other creditors, by the equity of the statute 9th Ann; and indeed his remedy by distress seems to have been favoured in cases of bankruptcy, because no provision is made by that statute in case of bankruptcy; where (*l*), however, being entitled to distrain for a half year's rent, the landlord became the *purchaser* of the goods from the assignees, it was held that he might retain half a year's rent out of the purchase money, and this obtains whether the rent be payable in *advance* (*m*) or not.

Lastly, if a *mortgagee* of a bankrupt's estate pay the arrears of rent due to the landlord, he shall not be preferred to the other creditors under the commission, unless he applies to the Court for an order to stand in the landlord's place; but it does not appear how such an order could be made,

promised to pay the arrears on his desisting from the distress, the broker was held to have acted as bailiff to the landlord, and bound therefore to satisfy his debt first; neither was this considered as a parole promise to pay the debt of another, within the statute of frauds, because previous to the promise the landlord had a legal pledge and a prior lien to the creditors.

(*k*) 3 Maul. and Sel. 80.

(*l*) 2 Durnf. and East. 603,

(*m*) *Id. ib.* So a claim may be supported by a landlord in an action against the sheriff for removing goods seized under a *fifa* for forehand rent, or rent stipulated by the lease to be paid in advance, as being rent due at the time of the seizure within the above statute; and such rent may be distrained for by the landlord, although he is aware that an execution is about to be sent down at the suit of a judgment creditor. 7 Price 690.

If the Tenant be a Bankrupt or Insolvent.

because the *mortgagee* can be in no better situation than the *landlord*, and the landlord himself had no lien on the goods without actual distress (*o*).

CHAP. III.

Of the notice and sale of the Distress.

DISTRESSES for rent being in the nature of *pledges*, &c. the landlord could not *use*, much less could he sell or dispose of the thing distrained (*a*); and by the 18th Ed. IV. c. 1. he was only allowed to *keep* the distress as praised. The earliest statute by which *selling* any distress is authorised appears to be the 7th of Wm. III. c. 22. permitting corn in cock, &c. to be disposed of; however, the material statute allowing the sale, and regulating the mode and course of disposal of distress in *Ireland*, is the 25th Geo. II. c. 13. s. 5. (*b*) by which, after reciting that the manner in which distresses taken for rent services, fee farm rent, or rent charges, have been often disposed of, have occasioned troublesome and vexatious suits, proceeds to enact, " that *all* distresses lawfully taken for any such rents, or arrears of rent, shall, *unless redeemed within eight days after the same shall be distrained*, as aforesaid, be sold by public cant to the highest and fairest bidder or bidders, at such time or times, and in such convenient place or places as the person distraining, his agent, or bailiff shall for that purpose appoint; such person,

(*o*) Anon. 1 Alk. 103. Where the solicitors of the assignees of a bankrupt whose goods were distrained, gave the following written undertaking: " we as solicitors to the assignees, undertake to pay to the landlord his rent, provided it do not exceed the value of the effects distrained," the expression " we as solicitors" having been considered sufficient to bind those personally who signed; the solicitors were held personally liable. 5 East. 148.

(*a*) Co. Lit. 47. (b).

(*b*) 2 Wm. and M. Sess. 1. c. 5. *Eng.*

his agent, or bailiff, AFTER DEFAULT *made in redeeming such distress within the time* aforesaid, *first causing* one or more *notice* or *notices*, in writing, of the place and time intended for such sale to be posted up SIX DAYS PREVIOUS to the time of such sale in the *next market town* to such place, at the usual place in such market town for posting up public notices; and that the price and prices for which such distress or distresses shall be *bona fide* then and there sold, shall be deemed and taken as between all the parties aforesaid, and all persons deriving under them respectively, to be the full and real value of such distress or distresses; and that such *value* shall *not* be afterwards *questioned* in any court of law or equity; and in case such distress or distresses shall be sold for *more* than is due and owing to the person and persons for whose benefit such distress or distresses shall be taken, such *overplus*, after deducting thereout all necessary expenses attending the taking and selling the said distress, shall be paid over to the person and persons from whom such distress and distresses shall be taken."

Upon the construction of this statute an opinion was entertained by some, that in the calculation of the time for a sale, that the *six* days which the notice should be posted might be part and parcel of the *eight* days allowed to the tenant for redemption; in other words, that they might be concurrent. However, the words of the act, namely, "*after default made in redeeming such distress within the time aforesaid, first* causing notice, &c." appear so far sufficiently express that the intent was that such notice should not be given until *after* the expiration of the *eight* days to redeem, for until then the default has not been made; accordingly, in the case of Delany *v.* Palmer (*c*), it was fully determined that

(c) C. P. Ird. Trin. 1813.

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the *six* days for the notice of sale are *not* concurrent with, or part and parcel of the *eight* days to redeem; and the landlord having sold on the *eighth* day after seizure, an action was held to be maintainable, although six days notice had been given.

But although the statute appears to be *so far* sufficiently clear, it is not so fully explicit with respect to the day on which the notice ought to be posted, or as to the day on which the sale ought to take place; and there is little aid to be obtained by analogy with the act in *England*, regulating the sale of distresses; and although every enquiry and exertion have been made to discover an express decision as to the point how those days *here* ought to be calculated, the point does not appear to have been fully decided.

With respect to the *day* for the sale, (which is the most important,) it is conceived that it ought to be the day *fortnight* of the seizure; thus, if the distress is taken on *Monday*, being the *first* of October, the sale should be proceeded with on *Monday* the *fifteenth* of that month. This course is common in practice, is the mode of the south of Ireland, and appears consistent with the words of the statute; it may also be noticed, that in the only *English* case that bears on this point by analogy, the time when the sale of the distress took place, which was held regular, will not be found to differ from this calculation (*d*).

Another reason why it is submitted that this mode of calculation is correct is, that in the case of Murphy *v.* Duigan (*), although the general question as to the regularity of the disposal of distress

(*d*) Wallace *v.* King—1 H. Blac. 13. In this case a distress was made on the *morning* of the 12th of May, (the report does not state it, but the facts prove it was *early* in the day,) and in the *afternoon* of the 17th the goods were removed and sold; it was held that on the *evening* of the 17*th*, *five* days from the time of the distress had completely expired, and that the removal and sale were regular according to the time allowed by the statute.

(*) See K. B. *Irel.* Mich. 1822.

was canvassed, no objection was urged expressly as to the time on which the sale took place, and there the sale was proceeded with on the day *fortnight* (*e*) of the seizure.

The case of Murphy *v.* Duigan was an action *vi et armis*, tried by the Lord Chief Baron (*f*), in which, amongst other objections, it was urged, that the defendant had not shewn a compliance with the stat. 25th Geo. III. c. 18.—1st, in not proving that notice had been posted, pursuant to the statute.—2dly, for remaining in possession ten days after the *sale*; and 3dly, for not having accounted for a mare and ass which he had seized. In this case the seizure was made on *Saturday* the fifteenth of September, and on the *Saturday* following, being the twenty-second, the notice was posted for a sale to take place on the *Saturday* ensuing, being the twenty-ninth *inst.* and as there was no arrangement or compromise between the parties whatsoever, and as *no* express *objection* was made on account of the sale having taken place on the day *fortnight* of the seizure, although the general question of irregularity was canvassed, it is fair to presume, that if the time of sale were objectionable, such objection would have been urged: this is a course of reasoning recognized and admitted in the books, therefore it is submitted, that the sale of distress should be on the day

(*e*) We have seen that in England the *five* days given to the tenant to replevy are calculated computing *twenty-four* hours to each day, commencing the calculation from the time of the seizure, and this rule I find recognized by some of considerable eminence at the bar; the result, however, will not be found to differ from the mode laid down; for suppose the seizure to be on *Monday*, the *first* of October, at 9 o'Clock, *a. m.* the first day (of twenty-four hours) will expire immediately *after* that hour on Tuesday the 2d, and, following up the same course of calculation, the 14th will be found to have expired on Monday the 15th instant at 9 o'clock, *a. m.* consequently the two courses arrive at the same point. It will be found that the 6th Geo. IV. c. 43, regulating the impounding distresses, calculates three days as seventy-two hours.

(*f*) Queen's county summer assizes, 1822.

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fortnight after the seizure, and I have no doubt that no action can be maintained for selling on that day, and herein I am fortified with the opinion of many of the most eminent at the bar (*a*).

With respect to the day on which the notice should be posted previous to the sale, or in other words, at what time the *eight* days for redeeming expire, some difference of opinion exists; however, that difference is not material: assuming, as before, the seizure made on *Monday* the first of October, it is conceived that the notice ought to be posted on *Tuesday* the *ninth* instant. This appears regular and sufficient, and will be borne out in calculation, either with reference to the mode of computing already made, or to hours, and with analogy to the *English* decision already cited †; but if the notice is posted on *Monday* * the eighth instant, it is submitted there would be no ground or even colour of action, and the reasoning drawn from the case of Murphy *v.* Duigan ‡ is applicable, such having been the course adopted in that case.

It is a common practice in some parts of *Ireland* to post the notice of sale immediately *on*, or soon after the seizure of the distress, thus giving fourteen days; but this course does not appear conformable to the directions of the statute, is vexatious and inequitable, and an unwarranted exposure § of the affairs of the tenant; moreover it

(*a*) By the 51 Hen. 3. stat. 4. the time for replevying is fifteen days.

† *Ante.* 73.

* This must be the case where the seizure is made on a Saturday.

‡ *Ante.* 73.

§ There is scarcely any tenant who is not liable to be distrained upon, for it rarely occurs that the rent is tendered *on* the rent day, if therefore a harsh or vindictive landlord were to post at the time of seizure the consequences might be most injurious to the tenant, especially in the case of a trader in a large town.

would be inexpedient, and not produce the effect intended, from the *six* day notice.

The object of the legislature clearly was, that the goods seized might be disposed of at a fair and reasonable value; and indeed the act so far assumes this, by declaring that the produce of the sale should be conclusive and considered between all parties as the full value not to be questioned; the intent, therefore, of the notice being posted six days previous to the sale clearly was, that persons might be apprised that the goods *not having been redeemed* within the time limitted the sale would take place, and that thus bidders would be procured at the auction; but suppose the notice given *fourteen* days previous, this result would not be arrived at, for any persons seeing *such* notice would naturally conclude that the goods *might* be *redeemed* within the time allowed ‖, therefore he would not attend, and consequently bidders might not be procured.

The act says, that the notice shall be posted in the next *market town*; and in the case of Dwyer *v.* Peacock, * it was contended on part of the plaintiff (who had brought an action for alleged trespass in making distress, &c.), that the legislature had imposed the necessity of posting the notice of sale in a market town, that is, in a market town which *was such* by grant or prescription †, whilst on the part of the defendant it was alleged, that the object of the notice (as we have seen), was to procure bidders, and that it never could have been the intention to impose upon the landlord the ne-

‖ The great probability is, that the notice itself, if posted so long prior to the sale, would be torn down before a reasonable time previous to the sale; the form of such notices also usually is, that the goods not *having been redeemed*, will be sold, &c. &c.

* 2 Fox & Smith, 34.

† See 2 Ins. 220.—Comyn. Dig. tit. Market C.

cessity of inquiring into the title of the town to hold a market, and afterwards of proving at the trial that that title arose either by prescription or charter; however, in that case, this question was not more fully investigated or decided, there having been a waiver of the irregularity (assuming it such) by a consent to postpone the sale; the point however, as to what is a market town, appears to be settled by the statute 56th Geo. III. c. 111. sec 25th, by which market towns are *defined* to be "where markets are held *weekly* throughout the year ‡."

Before concluding this part of the subject, it may be proper to repeat that if the landlord either continues in possession *beyond* the time limited †, or disposes of the tenant's goods *before* the expiry of the time allowed ‖ by the statute, or commits any act materially irregular in any other respect in the progress of the seizing, impounding, or selling the distress, that in *Ireland* he is a trespasser *ab initio*, there not being any enactment in force in this country corresponding with the provision of the English stat. 11th Geo. II. c. 19, s. 19, 20. there is the greater reason to regret that that law is not in force in *Ireland*, because, as has been observed by chief Justice Gilbert, speaking of that act, the many particulars which attend taking a distress, render it a hazardous mode of proceeding (without the aid of such a statute); for if any *one* irregularly be committed, it vitiates the whole

‡ In the case of Murphy *v.* Duignan, cited *ante* 75. it was contended on the part of the plaintiff, that he was entitled to a verdict, inasmuch as the defendant had not shewn a compliance with the act 25th Geo. III. in his the defendant's *not* proving that notice of sale had been posted in a *market town* pursuant to that statute; the position however was rebutted, because the plaintiff *not* having shewn any irregularity in the disposal of the distress, the defendant was *not* called upon to go into evidence to prove the converse, neither was he compelled to justify specially in pleading.

† 2 Stra. 717.

‖ Delany *v.* Palmer. *Exch.* C. P. *Ire.* Trin. 1812.

Of the notice and sale of the Distress.

distress, and makes the distrainer a trespasser *ab initio*. However, as it frequently happens that the tenant requests further time to settle the rent in arrear, if so, and that the landlord is disposed to grant the indulgence, (which is highly advisable to do,) let the tenant give a *written* consent to the landlord's continuing in possession, and by this course any previous irregularity will be waived.

Lastly, if the goods have not been replevied, or there is no agreement or consent to the landlord's continuing in possession, and that the rent still remains unpaid, the sale may be proceeded with; for which purpose the goods, if cattle, &c. may be removed from the pound to some public place named in the notice, in order that the bidders may have an opportunity of viewing them. It does not appear necessary to make any observation respecting the course of the sale. When the goods are disposed, the rent in arrear and reasonable costs and charges attending the distress should be deducted from the receipt; and if any overplus remains it should be returned to the tenant †.

Of Tender of the Rent Arrears.

As it frequently happens that a tender of the rent is made by the tenant, it may be expedient to offer a few observations on that subject with reference to the three stages at which the act of tender may most probably occur, namely, 1st, *before* the distress is taken; 2dly, *after* the distress is taken, and *before* it is impounded; and, 3dly, *after* the expiration of the *eight* days to redeem, and *after* impounding.

† Where goods were sold under a distress for rent, and a *surplus* remained in the hands of the constable, who became bankrupt, it was held that the *tenant* had no title to a preference before the other creditors; for although it might be so where the goods remained in specie, yet the money was embezzled, and the tenant could only come in with the other creditors, and on the same footing. 7 Vin. abr. 74.

Of Tender of the Rent Arrears.

If the landlord come to distrain, (which we have seen is in ordinary cases a legal demand of the rent,) the tenant may before the distress tender the arrearages, and if the distress be afterwards taken it is clearly illegal; so where the landlord *has* distrained, if the tenant *before impounding* of the distress shall tender the arrearages, together with the *costs* and expences which have been fairly incurred, the landlord ought to deliver up the distress, and a sale afterwards would be unlawful.

In estimating those costs and expences it is proper to observe, that although the stat. 57 Geo. III. c. 93, regulating the costs of distresses for *small* rents in *England*, does not extend to this country, still the equity of that statute ought to be regarded in estimating the expenses of similar proceedings here; therefore, where the rent is *small*, if a sum equivalent to the charges allowed by that statute * be tendered, it is adviseable to accept it.

But where the goods have been *impounded*, and that the *eight* days allowed by the 25th Geo. II. c. 13. for *redemption* have expired, if the tenant shall tender the rent and costs, although it would be severe and inequitable to persist in the sale, still it seems that it would not be *illegal* to do so; and if beasts are distrained, and any of them *impounded* before the tender is made, the tender is void (†); and if in such case the beasts die in the pound, the owner shall bear the loss, because such tender comes too late to fix any legal responsibility on the person distraining. However, if the arrears and costs, fairly incurred, are tendered at *any* stage of the proceeding, it is strongly recommended that the distress be delivered up; moreover, there are precedents of declarations against sellers, where the

* See Post. *tit.* "Costs."

† Lutw. 1262—5. Bac. Abra. 8.

Of Tender of the Rent Arrears.

arrears, &c. had been tendered after the days of redemption, though there is no decided authority on the subject; and persisting in the sale, even after the expiration of the eight days especially, though the goods have *not* been impounded, appears improper and hazardous.

Lastly, if the tenant has tendered the arrear, &c. and the landlord declined to accept it, should the latter *afterwards* be disposed to receive the sum offered, it is adviseable for him to *demand* the amount of the tender; for by so doing, in the event of the tenant's not complying with the demand, it would deprive him of any benefit to arise from that tender in an action against the landlord *.

Costs of distraining.

The earliest statute in *Ireland* which gives the damages or expenses attendant on a distress is the 18th Edw. IV. c. 1. s. 1. by which, if the distress is not redeemed (quit) in eight days, it may be appraised; and if the person distrained upon does not come and pay his duty, &c. *then* the lord may take it, as it is praised for his rent, *with his damages.*

We have seen † that by the 8th Geo. I. c. 2. where any distress is *rescued*, a magistrate's warrant ordering constables to assist may be procured.

* By the *Irish* stat. 25 Geo. II. c. 13, regulating the disposal of distress, an APPRAISEMENT is not mentioned; this also obtains in the 56th Geo. III. c. 88, with respect to growing crops; and by the former act it is also declared, that the *value* of the sale of the distress is not to be questioned; and further it is not the practice to appraise distress in this country; however, as it has been determined that the true construction of the statutes in requiring an appraisement is, that the value of the goods may be ascertained by a fair estimate made at the time of the distress; and if on such valuation there should not be thought sufficient without, the landlord may distrain beasts of the plough (6 Price, 3). It is worthy of consideration how far the necessity, or at least utility of an appraisement in such cases, or where tools of trade *inter alia* are seized, still remains. See also 1 Lord Raym. 342.

† *Ante*, 64.

Costs of distraining.

The 9th sect. of this act provides " that before any justice shall grant such warrant, there shall be deposited in his hand such reasonable sum of money as he shall require to satisfy such constables, &c. for their trouble, out of which reasonable satisfaction shall be made by such justice, *after* the service performed, to such constables, &c. returning the overplus; which money so paid shall in the *first place* be *deducted* out of the money arising by such *distress*, in case the same shall be sold, or otherwise shall be levied by distress and sale of the goods, as in cases of a distress for rent, or by civil bill against the person owing the rent, &c. for which such distress was taken, *with costs* of suit.

It has also been observed † that by the 10th sect. of this act, if it shall appear upon *oath* to any justice that corn or hay distrained are in great danger of being rescued, a similar order may be obtained; and " each person so appointed shall be paid such wages as such justice shall direct, not exceeding *one shilling*, nor less than *six pence* for *one day's* attendance, nor less than *one shilling*, nor more than *one shilling and six pence for a day and a night's* attendance to any one person :"—By the 11th sect. a proviso is made as to the disposal of the sum lodged, as in the case of the *other* distress rescued ‡.

† *Ante.* 65.

‡ By this section the person at whose instance such warrant shall be granted shall, before the granting of the same, deposit such reasonable sum in the hand of the said justice as he shall judge to be sufficient for such payment, which he shall cause to be made according to the proportions above mentioned, *after* the service performed, returning the overplus; and one moiety of the sum which shall be at the charge of the party on whose behalf such warrant was granted; and as to the other moiety thereof, satisfaction shall be made to the party who made the deposit, *out* of the money arising

Costs of distraining.

But the principal statute *in Ireland* in which the subject of costs of distraining is mentioned, is the 25th Geo. II. c. 13. already noticed, by the concluding passage of the 5th sect. of which, "in case such distress shall be sold for *more* than is owing to the persons for whose benefit such distresses shall be taken, such *overplus*, after deducting *all necessary expences* attending the taking the said distress shall be paid over to the persons from whom such distresses shall be taken;" therefore there can be no doubt that the landlord is equally well entitled to his reasonable costs and expences attending on a sale of distress as he is to his rent.

With respect to growing crops, we have already seen § that the expenses of cutting, saving, &c. and where a barn is necessarily *hired*, a reasonable sum or rent for it may be charged against the tenant; but where the landlord can secure the distress without placing it in a barn, or where he has a barn of his own, on or convenient to the lands distrained to place the distress in, in either case a charge ought *not* to be made for rent of a barn.

In cases of distresses for *small* rents, † that is where

by such *distress* in the first place, in case the same shall be levied by distress and sale as in cases of distress for rent, or by civil bill against the person owing the rent, &c. for which such distress was taken, *with costs of suit*,

§ *Ante.* 52.

† *Schedule of costs and charges under the act 57th Geo. III. c.* 93. *for distresses of* small *rents.*

Levying distress, three thillings.

Man in possession, two shillings and sixpence per day.

Appraisement (whether by one broker or more) *sixpence in the pound* on the value of the goods.

Stamp.—*N. B. These two charges* are not applicable to Ireland.

All expenses of advertisements, ten shillings;—catalogues, sale and commission on delivery of the goods, one shilling in the pound on the net produce of the sale.

Some precedents of costs of distraining, and other forms respecting distresses, will be published in the forthcoming work "Precedents of Civil Bills, &c."

Costs of distraining.

the sum due shall not exceed the sum of *twenty pounds*, for or in respect of such rent, it may be proper to observe, that although the stat. 57th Geo. III. c. 93. which regulates and defines the costs of such distresses in *England*, does not extend to Ireland, nevertheless the equity of that statute ought to be regarded in estimating the expenses of similar proceedings here, so far as the allowances made by that statute are applicable to the acts performed in the progress and sale of the distress in this country.

With respect to a keeper's wages, the allowance should be two shillings and sixpence per day if the tenant keep him, and three shillings and sixpence per day, if he keep himself *.

Relief to Terre-tenants.

If the goods of the tenant in possession are distrained for the rent of *his* landlord, by the landlord paramount, and he pay the rent, it may in general be the *set off* against any subsequent demand of rent by the immediate landlord †.

However, in a recent case, where a tenant underlet *a part* of certain premises, and the original landlord distrained for rent upon the under-tenant, it was held, that an action of assumpsit would not lie by the latter (the under-tenant) against his lessor, upon an implied promise to indemnify him against the rent payable to the superior landlord ‡.

* Gilb. on distress, 232.

† Chamb. L. and T. 616.

‡ 3 Bar. and Cres. 789 —In the whole course of the process of distress the landlord has no property in the distress; therefore, although the statute permits him to sell, the vendee will be entitled immediately from the tenant

sary for him to prove the facts of payments to his immediate landlord under distress or otherwise, and the subsequent payment of any rent to a superior landlord under such distress, or that he was *compelled* to pay any sum *to avoid* such distress.

Before I conclude this subject it may not be improper to observe, that the remedy here given to tenants is highly expedient, more particularly so, as we have seen * that if an undertenant, who had regularly paid up his rent to his landlord, shall by the default of such landlord be *ejected* for rent due to any superior landlord, if the middleman shall within *six* months after eviction redeem the premises, such redemption sets up the sub-tenant's lease *in statum*, and the lease of such ejected under-tenant is not void or voidable by such eviction; and it seems that the middleman may by notice compel him to resume § possession:—the only advantage the under-tenant derives from such eviction is, that he will not be *liable* to the gale of rent which began to accrue when he was turned out of possession †;—this advantage, however, he would possess, though he were only disturbed for the shortest space of time.

* Comments on Civil Bill Ejectment Acts, 54.

§ However, if proper pleas are put in, it may be difficult to make him pay rent, if he will not resume in such case.

† Power v. *Rose*, Exch.—Civ. Bill. Eject. 54.

THE END.

COLONIES AT HOME;

OR,

THE MEANS FOR RENDERING

THE INDUSTRIOUS LABOURER

INDEPENDENT OF

PARISH RELIEF;

AND FOR

PROVIDING FOR THE POOR POPULATION

OF IRELAND,

BY THE

CULTIVATION OF THE SOIL.

FOURTH EDITION.

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1827.

226. i. 169. (6)

INTRODUCTION.

On considering the circumstances of the poorest Classes of the population, during my travels in different Countries, I have been convinced that much of the misery which exists among the poor every where, might easily be obviated by a few judicious arrangements; and particularly by setting them down upon small portions of Land, and teaching them to cultivate that Land in the most profitable manner. With a view to this, I have for several years past been making agricultural experiments, and ascertaining the weight of food for man and cattle, that can be obtained from a given surface of ground under different circumstances. The results have been most gratifying. They prove that the assertion that has been made that a Cow may be supported all the year round upon the produce of half an acre, is perfectly correct; and that three acres, cultivated in the manner pointed out in the following pages, will enable a mechanic who works at his trade to pay a liberal rent for the Land, Cottage, and capital employed; and to procure not merely the necessaries but the comforts of life; instead of dragging on a miserable existence in penury and want.

I had just prepared my Plan for the press, in order to submit it to the public, when I was induced to take a journey through Ireland. There I beheld the poorest Class of the Community in a state of abject misery and destitution, far below any thing which I had witnessed among the poor in any other part of Europe; and although this state is occasioned by the operation of several distinct causes, yet it was manifest that a plan which should combine the cultivation of the soil with a handicraft business, might, in the north of Ireland especially, be made to remedy a large portion of that misery which we must so deeply deplore.

A family may be supported, during a year, upon Corn and Potatoes, from a single acre of land of average quality, under spade cultivation, and properly manured; another acre might supply food for two Cows for a whole year; and a third acre, by being cultivated partly in Flax and Buckwheat, and partly as a Garden. The whole three acres of fair average Land would be amply sufficient for a family.

I find that on an average one hundred pounds weight of green food are sufficient to keep a Cow for 24 hours; if then we take the days of Summer at 185, we shall require 37000lb. for the two Cows during that period.

40 Rods cultivated in Lucern, have yielded me 300lb. per Rod, but taking it at only 120lb. per Rod,	4800
40 Rods in Sugar Beet: the leaves have yielded me 1000lb. per Rod, but say 300lb.	12000.

40 Rods of Cabbage, 144 in a Rod, say average 3lb. each, (but Scotch Cabbage are from 20lb. to 30lb. each),		17280
Rye or Tares to be cut green from the 30 Rods destined for Turnips, Potatoes, and Buckwheat		8000
		42080

The above gives a surplus of several thousand pounds for Pigs.—Then for the 180 days of winter, from 60 to 80 pounds weight o roots will be wanting daily for each Cow, beside 7lb. of Hay whic must be purchased. The oat straw may be furnished from the 9 Rods of oats. If we take the allowance of Roots at the highest it will be 160lbs. for the Cows daily, or 2880

The 90 Rod of Potatoes at 120lb. per Rod, (but I have procured 200lb. from a Rod).	10800	
Suppose a family to consume 20lb. per day, and this for 365 days is,	7300	
Leaving for Cows, &c.		3500
40 Rods of Turnips, 144 in the Rod, and 3lb. each,		17280
40 Rods of Sugar Beet, 144 in a Rod, average 3lb.		17280
		38060

Here again is a considerable surplus for Pigs, which the 40 Rod cultivated in Buckwheat will serve to fatten; while the 60 Rods o Flax, being spun by the family, and woven by the man, would be come a valuable product. Thus the poor might be made dependen upon their own exertions alone, and have that encouragement an stimulous to virtuous conduct which has hitherto in many parts o the world been deplorably wanting.

In consequence of an erroneous opinion that there is a surplus population in Ireland, encouragement is given to emigration, and this too at a considerable expence; while at the same time the class of persons who are thus expatriated, is precisely that which, if the measure were indeed necessary, we should the least wish to part with; that such measure does *not* exist, I hope will appear when the following statements shall have been duly considered. The directions given with regard to the manner of cultivating the different articles enumerated, are founded upon my own experience, and the valuable observations in Cobbett's Cottage Economy, and Loudon's Encyclopedia of Agriculture, but further trials may lead to the discovery of still more advantageous arrangements, and I shall be glad of any information as to the results of experiments which may hereafter be made. These plans, varying only the products according to climate and local circumstances, will answer for any part of the world.

WILLIAM ALLEN.

Stoke Newington, near London,
1*st of* 12*th month*, 1827.

COLONIES AT HOME.

The deplorable condition of the Peasantry of Ireland has long and justly been considered a national disgrace. The situation of the agricultural labourer in some of the counties of England also has become wretched from the extreme depression of wages. The demoralising consequences, in the increase of poaching and theft, have become so alarming, that it is of the utmost consequence to apply a speedy remedy. The subject has for years past anxiously occupied my attention, and I am firmly convinced that in any given district where a few judicious Individuals can be found to co-operate in measures which will be pointed out, the poor may readily be supplied not only with the necessaries but with the comforts of Life, and the Poor-rates reduced to a mere trifle. The objects to which our efforts must be directed, are these:

1. To wean the poor from a dependence upon the Parish, and what is falsely called Charity, and to put them in the way of providing for all their wants by their own industry.
2. To enable them to procure an education for their children, in moral, religious, and industrious habits.
3. To raise such a moral and independent feeling in the Poor, as may induce them to consider it a disgrace to receive alms from the Parish, or to engage in marriage, until they shall have made a reasonable provision for a family.

Every poor family residing in the country should be furnished with a small piece of ground, and instructed in the means of cultivating it to the greatest advantage. The loan of a small capital will be essential, and must be provided by a voluntary association of benevolent persons in any given district.

As decency and moral habits are greatly influenced by circumstances and situation, every poor family should be furnished with a Cottage, containing a sufficient number of sleeping apartments to admit of the necessary separation of male and female children. There should be a good supply of water, and every facility given to insure cleanliness.

A Society should be formed in the District, comprehending a space round some central and populous village, included in a circle made by a radius of two miles, which should be called the BENEVOLENT SOCIETY of————. A Visiting Committee should be formed of persons, of all religious denominations, who may be found willing to exert themselves in so great an object. This Committee should

sub-divide their district into convenient portions, and appoint sub-committees to each. The assistance of females on these Committees has been found of the utmost importance. By the co-operation of a number of Individuals, all acting upon a uniform plan, complete inspection may be had, without being burdensome to any. The deserving Poor would be encouraged, and bad characters kept in check by being brought under the public eye. The means of relief would be made to produce the greatest possible effect: whenever a case of distress should occur, notice of it must immediately be sent to the sub-committee of the District, in order that it may be inquired into and relieved.

One great object of this Society might be to encourage the formation of an association among the Poor, for their mutual benefit. This association would give to each family an interest in a Cow, and a supply of manure for the Garden, a point of the utmost consequence, as without an arrangement for a regular and constant supply of manure, all plans for cultivating the earth must utterly fail.

It has been found, by actual experiment, that when pains are taken to dig land well with a spade, and to put all the manure upon it which can be obtained, and to sow and plant it with suitable things, that a small Garden, beside furnishing Potatoes, Cabbages, and other food for the family, might keep a Pig or two; and four families, each having a Garden, of 64 Rods only, by appropriating 36 Rods of their Garden to the growth of certain things to be pointed out, would be able to keep a Cow all the year round.

A Cow eats about a hundred Pounds weight of green food in a day and a night, and in the winter may be well kept upon a daily supply of

30lb. of Yellow Beet Root,
30lb. of Turnips, or Carrots, or Parsnips,
20lb. of Potatoes boiled, or steamed,
7lb. of Oat Straw,
7lb. of Hay,

this will be reckoned a very large allowance.—

It has been distinctly proved that half an Acre, or 80 Rods of Land, of average quality, is sufficient to keep a Cow, provided the food be cut and brought to her in a place where she shall have room to walk about, and that she be able to get under shelter at night and in rainy weather. If therefore sixteen families were to join together in an association, for their mutual benefit, they might keep four Cows between them; or twenty families, five Cows; twenty-four families six Cows; and so on. The following is a sketch of the proposed association.

An association shall be formed of Agricultural Labourers, and others, under the name of the Independent Cottagers of ———, the object of which shall be to promote the comfort and happiness of the members, to render them independent of Parish relief, and if possible to make some provision against sickness or accident. Every member on admission shall sign the following engagement, and is to be expelled from the association if he break it.

1. To observe, strictly, moral conduct.
2. To receive no allowance whatever from the Parish.
3. To cultivate the garden with which he will be intrusted, in the manner that shall be prescribed. To underlet no part of it, nor to damage or remove any shrubs or trees, and to keep the Land manured to the satisfaction of the Proprietor.
4. To send all his children, who may be of a suitable age, to the Schools of Industry, unless a satisfactory reason why they should not attend, be given.
5. To observe the Bye-laws which may be agreed to by the majority.

The Society, or Association, shall consist of Ordinary, and Honorary Members.

The Ordinary members shall alone be entitled to any profit from the Society.

The Honorary Members shall be proposed, and elected, at the Society's meetings. They shall pay 6d. per week, which shall be disposed of as the Society may direct. They may be present, and vote at all meetings, but shall receive no emolument, nor have any interest in the stock.

The Association shall meet once in the month, at 7 o'clock in the evening, to consult upon the business of the Association, and to make Bye-laws for its regulation.

If any difference shall arise, the question must be settled by a majority of those present.

Regular minutes of proceedings and account books shall be kept.

All differences which may at any time arise between any of the members, shall be settled by Arbitrators, to be chosen from among them. Each party is to choose an arbitrator, and if these two cannot agree upon the decision, they are to choose an umpire, and shall give their award in writing, within twenty days after the parties shall have been fairly and fully heard; this award shall be binding.

Honorary as well as Ordinary members, may be made arbitrators.

Cows shall be kept in the proportion of one Cow to every four families. The milk, after having been once skimmed for butter, shall be equally divided among the members, as shall also the manure from the Cows.

The Benevolent Society of————will advance the money for Cows, and also for the purchase of tools; and Hay and Straw, for the Cows in Winter: likewise the Rent of the Gardens, and Salary of the Dairy-man, and will charge interest at the rate of 5 per cent per annum. The Butter shall be sold, and carried to the credit of the account, and every member shall pay sixpence per week to the fund.

Each member shall be equally interested in the Stock of Cows, so long as he keeps up his contributions, either in money or otherwise, and in proportion as the debt to the Benevolent Society is discharged, a corresponding portion of interest shall cease. When the whole shall be paid off, the Cows shall become the property of the association.

Each member shall be furnished with a Garden, consisting o 64 Rods, which shall be kept free from weeds, and culti vated in the following manner, (which is calculated to afford foo for the Cows, both in winter and summer), or in any other way t the satisfaction of the Proprietor, or his agent, as farther experienc may point out. Thirty six Rods must be cultivated for food fo the Cows; viz.

No. 1 to 8 Potatoes.
9 to 14 Cabbage.
15 to 16 Yellow Beet.
17 to 22 Turnips.
23 to 24 Yellow Beet.
25 to 30 Lucern.
31 Parsnips.
32 Carrots.
33 to 36 Tares.
37 to 44 Buckwheat.

1 Pota.	2 Pota.	3 Pota.	4 Pota.	5 Pota.	6 Pota.	7 Pota.	8 Pota.
9 Cab.	10 Cab.	11 Cab.	12 Cab.	13 Cab.	14 Cab.	15 Yel Bt	16 Yel Bt
17 Turn.	18 Turn.	19 Turn.	20 Turn.	21 Turn.	22 Turn.	23 Yel Bt	24 Yel Bt
25 Lucern	26 Lucern	27 Lucern	28 Lucern	29 Lucern	30 Lucern	31 Parsn.	32 Carrots
33 Tares.	34 Tares.	35 Tares.	36 Tares.	37 Bk Wt	38 Bk Wt	39 Bk Wt	40 Bk Wt
41 Bk Wt	42 Bk Wt	43 Bk Wt	44 Bk Wt	45	46	47	48
49	50	51	52	53	54	55	56
57	58	59	60	61	62	63	64

Eight rods to be sown with Buckwheat, for Pigs, Fowls, &c.; and the remaining 20 rods to be cultivated in such articles, for the use of the family, as the Cottager may think best.

As the Land will not bear the same crop every year in succession, the crops must be changed in a rotation which will be hereafter pointed out.

Every member will be furnished with a Pig, as soon as his garden shall be in a state to keep it; also a hive of Bees, and necessary tools; for all of which he is to pay by instalments.

The whole year, of 365 days, shall be divided into 185 days of summer, and 180 days of winter. Every member shall during the 185 days of summer, beginning on the 20th of the 5th month (May), and ending on the 21st of the 11th month (November), bring or send to the Dairy-man, twenty five pounds weight of good green food per day, either cut grass, Lucern, Tares, Cabbage, Yellow Beet Leaves, or Mangel Wurzel Leaves, or any other green food which the Dairy-man shall approve of; and the Dairy-man shall be at liberty to reject such food as he may think not good enough.

Every member shall, during the 180 days of winter, beginning on the 21st of the 11th month (November), and ending the 20th of the 5th month (May), bring or send to the Dairy-man,

5 pounds of boiled Potatoes,
8 pounds of Yellow Beet-root, or Mangel Wurzel-root,
8 pounds of Swedish Turnip-root, or Parsnips, or Carrots.

If, on account of the difference of crops, one person's crops are forwarder than that of another, any arrangement may be made with the Dairy-man, so that every member furnish, during the 185 days of summer, 4625 pounds of good green food; —the Dairy-man keeping a Debtor and Creditor account with each person.

A Dairy-man shall be appointed at a salary to be agreed upon. His duty shall be to take care of the Cows, to deliver to each member daily his proportion of milk at a certain hour to be appointed, to divide the manure into as many equal portions as there are members, and he shall deliver it to the members as they shall apply for it. He shall make and sell the butter, and pay the amount to the Treasurer of the Benevolent Society of————, who must carry it to the credit of the association with that Society. He shall keep clear and regular accounts, which shall be laid upon the table at every meeting of the association.

A store shall be kept of articles of provisions &c. of the best quality, which shall be sold, for ready money, to members *only*, and at cost prices, after deducting the necessary expences, and 2 per cent to the store keeper for his trouble. This shall take place at such times, and under such regulations, as may hereafter be agreed upon.

When a member dies, his widow or family may keep the Garden, while they continue the usual contributions. When a vacancy happens by death, or otherwise, a new member may be chosen by the Association at its next monthly meeting, and the amount due to the late member shall be adjusted.

No person shall become an honorary member until his name shall have been publicly proposed at a regular meeting of the association, and agreed to.

Any member shall be furnished with an additional acre of Land, he paying one shilling per week for the same, and engaging to keep it constantly manured and cultivated—half in wheat, and half in potatoes, and to alternate the crop every year.

I shall now address a few remarks upon some important subjects, for the use of those who may have determined to prosecute the foregoing plan.

MANURE.

As Plants require nourishment from food quite as much as human bodies, and as that food is manure, it is of the greatest consequence to procure as much of it as possible; for they who can lay the greatest quantity of manure upon their land, will have the largest and finest crops; nothing therefore should be wasted that can be made into manure. In the Cottages for labourers, means must be provided for saving every thing of the kind. All the drains from the house, from the Privy, the Pig-stye &c. must go into the dung pit, which is to be made water-tight. The fluid, being taken out in buckets, is very useful for watering the land, or it may be employed in this way.—Throw up a quantity or heap of earth, and pour this fluid from time to time upon it, and the earth will soak it up. The more solid manure must be taken out of the pit and mixed with earth, which, when sufficiently enriched by it, must be laid upon the land. By covering your manure over with a little mould, you would prevent the waste of it; for all manure, if not buried as soon as possible, gradually wastes away. In this heap, must be deposited every thing which will rot or putrify.

Pigs' dung is exellent manure, as well as the dung of Horses, and Cows, and all animals. Their urine also, being mixed up with the soil, enriches it. The mud in ditches and ponds from which the water is drained, is very good manure, and should be brought in barrows. To increase the heap, children should be sent out to collect horse dung from the roads, and at the fall of the leaf as many leaves as possible should be collected, and deposited in the dung pit.

Pigeons' dung, and Lime, with the dung of all Birds and Fowls, Ashes, Horns, Hair, Hoofs, Feathers, and all animal substances, are very strong manure. Fish, and Sea-weed also, and bones broke small, are particularly good for Wheat, Peas, Beans, &c. The Labourer who is most diligent in collecting and applying manure will have the largest crops, so that saying is quite true—"a large Dunghill, a large Crop."

In the preparation of garden ground to receive Crops, it is absolutely necessary to trench to the depth of two or more feet if the soil be good so far down, but sometimes the under stratum proves sour and injurious. Though it is not necessary to dig the ground so deep after every crop, yet it should always be done once a year. The great point is to keep the ground in a finely pulverised state. If it has too much clay, you must mix sand: a small quantity of lime, if the soil be not chalky, is very beneficial. The growth of all crops is much promoted by frequently loosening and turning over the ground between the plants, with a hoe: the fresh earth then imbibes something from the air, which assists vegetation. In the application of Dung, and other manure, where the land is trenched, the upper spit of earth should be first dug, and thrown in the bottom of each trench: the dung should then be spread equally over, and the under spit thrown upon it.

POTATOES.

There are several sorts of Potatoes: some kinds come early, others late. It is the *late* sorts only that are cultivated as food for Cows, Pigs, &c. in winter, and those kinds should be preferred which are mealy, and also fit for human food.

The most useful kind of late potatoes are the Quebec, Red apple, Tartan, Red-nose Kidney, Purple, Bread-fruit Potatoe, and Lancashire Pink.

The soil in which potatoes flourish is a light sanday loam, and the richer in manure the better: it should neither be very dry nor very moist.

The ground set apart for potatoes is to be very thoroughly dug up as early as possible in the spring;—the finer it is made the better.

A sufficient quantity of manure having been brought from the Clamp, begin by forming a trench about 3 feet wide, and from 10 to 14 inches deep, a second trench of the same breadth is to be marked off, and the surface soil to the depth of 6 or 8 inches must be thrown into the bottom of the former trench, over which, a sufficient quantity of dung being laid, the Potatoes must be planted at the distance of from 4 to 8 inches from each other, and then as much earth must be taken from the bottom of the second trench as is necessary for covering the Potatoe sets, and for making up the first trench to its former level. The Potatoes must always be planted *over*, and not *under* the manure, and the ground must be kept very free from weeds.

In planting Potatoes, they must be cut into pieces called sets. Each piece must have two or three good eyes or buds from out of the middle, rather than from either end of the Potatoes. About seven pounds weight of them will be wanted for a rod. They should be cut always some days before planting, that they may become dry: the time for planting is the fourth month (April), or the first 8 or 10 days in the fifth month (May). It is of advantage to change the seed and the variety every year.

Potatoes for seed must be taken up a fortnight or three weeks before they are fully ripe: this prevents the disease called the curl. The finest and healthiest Potatoes must be selected: they are to be spread upon a dry floor, and covered over with chaff so as to keep out the frost, and here they may remain till wanted for cutting.

Soon after the Potatoes come up, the earth must be drawn up close to their roots, to the depth of one inch, and extending 6 or 8 inches round the stem, as the Potatoes grow near the surface. The coating of earth preserves the moisture, makes them grow better and larger, and improves the quality. When the time of blossoming comes, all the blossoms must be picked off, and this strengthens the roots. In about three months after the Potatoes have been planted, you may gently feel about the stems with a stick, and when you meet with a large Potatoe, take it carefully out in order that the others may be disturbed as little as possible, and then return

the earth to its place. When the stalks die away, the Potatoes may be taken up; if possible, choose a dry season.

Potatoes must be preserved from the frost, and should be kept in a dry place in sand, or under a covering of straw, or out of doors by digging a trench one foot deep, and six feet wide, and the earth must be clean shovelled out, and laid aside: on the bottom of the trench, make a bedding of straw, lay the Potatoes upon it piling them up about 3 feet high in the shape of the roof of a house, straw must then be carefully laid on to the thickness of 6 or 8 inches, and the whole covered over about a foot thick with earth which is to be smoothed down with a spade. It is better to have several small heaps, than one large heap, as the Potatoes are exposed to injury when the heaps are opened.

The produce of Potatoes is from 5 to 12 Tons per acre, or from 70lb. to 168lb. per rod, and upwards according to the soil, manure, &c.

Very good flour may be made from Potatoes, by carefully washing and paring them, and afterwards grating them in water: the flour may then be separated and dried.

Potatoes should not be given to the cattle raw, but steamed, or boiled. Boiled Potatoes mixed with bean or barley meal, or pollard are useful in fattening Sheep, Hogs, Fowls, &c.

CARROTS.

This root is highly useful for feeding cattle. The soil in which it flourishes most, is a rich deep sandy loam. It must not be less than a foot deep, and equally good from top to bottom. Dig the piece well, and deeply, and if sand is to be procured, it should be added, and as much manure mixed in as possible. New seed must always be had, as it does not vegetate the second year: carefully avoid old seed, or a mixture of the horn Carrot. Dig the soil well to the depth of 14 inches in the 10th month (October). Lay it up in deep ridges, dig it over again a second time in the 2nd month (February), and a third time in the third month (March). Rake, or harrow thoroughly, and make the mould as fine as possible. Then sow the seed: the sowing may be deferred as late as the 2nd week in the 4th month (April).

Carrots may follow Swedish Turnips, provided the Turnips are cleared off the ground in the 2nd month (February), and the ground be dug deep. Good rotten dung must be applied, and the ground laid up in ridges till the 2nd week in the 3rd month (March), and then it must be made fine and sown.

It has been found useful to prepare the seed by steeping it in rain water for 24 hours. It is then left to sprout, after which it is mixed with saw-dust, and dry mould, in the proportion of one peck and a half of each to a pound of the seed. Two pounds of seed, treated in this way will be found sufficient for 160 rods, or an acre of Land. The seed may be deposited to the depth of one inch in the rows, leaving the space of 14 inches between them at intervals. From 8 to 15

18 inches each way, is the common distance at which they are usually allowed to stand: hoeing and weeding are quite essential.

Carrots keep best in the ground, nor can the severest frosts do them any material injury. When it is however necessary to clear the ground for Barley, which follows carrots, take them up in the first week in the 3rd month (March): keep them quite dry, cut off the crowns, and they may be preserved to the 6th month (June), in high perfection.

The average produce is about 2 cwt per rod. Carrots are excellent food for Hogs, and Horses: they may be used for Horses instead of Corn. 70 pounds weight of carrots per day, are sufficient for a cart horse: they do not require to be boiled, or steamed. To save Carrot seed, select some of the most perfect roots in the taking up season, and either preserve them in sand, in a cellar till spring, or plant them immediately in an open and airy part of the garden: they must be protected with litter during severe frosts.

PARSNIPS.

The leaves and roots of the Parsnips are excellent, with a little Hay, for Milch Cows in winter. The roots are also good for fattening cattle and poultry. Its culture is the same as that of the Carrot. The large Jersey is the best sort, and the seeds should be procured from that Island: old seed will not do. It may be sown in drills over dung from 15 to 18 inches apart, about the middle of the 2nd month (February):—the quantity from 4lb. to 5lb. per acre, or half an ounce for a rod.

TARES OR VETCHES.

The Tare, Vicia Sativa. There are two varieties, viz, the Spring Tare, and the Winter Tare, but as it is of importance to have green food as early as possible in the spring, the winter Tare must be preferred.

The ground is to be dug deep, and made as fine as possible. The seed should be sown from the 8th month (August), to the 10th month (October); and the first sowing in Spring, ought to be as early as the season will permit. If a succession of crops be wanted, the sowings may follow each other to the end of the 5th month (May). The seed should be deposited in drills, 9 inches apart, and when sown, it is necessary to guard against the depredations of pigeons, else they would be likely to destroy a great part of the crops.

TURNIPS.

There are many sorts of Turnips, both white and yellow. Of the white kind, the globe is preferred as it yields the largest crop, but the greenish and purple-topped, with the bull-reddish, stand the winter better. The pudding or Tankard Turnips grow very large, but for feeding cattle the yellow kind are the best, and particularly the Ruta Baga, or Swedish Turnip.

Great care is necessary in the choice of seed. The good is scarcely distinguishable by the eye from the bad; much therefore depends upon the integrity of the Seedsman. It will be best to grow your own seed, and for this purpose select the finest roots, and take care that they are out of the way of the blossom of Cabbage, or other plants of that kind. The same seed will not however continue to flourish upon the same soil: it must be frequently changed, and the best sorts are said to come from Norfolk. Remember if you get bad seed, you lose a season. New seed is more secure from an attack of the fly than old seed.

The Soil should be light, and thoroughly dug up, and pulverized. Dry loams are the best. About the end of the 4th month (April), the seed must be sown upon a Rod of ground, in a rich soil: one third of a pint will be enough for 20 Rods. If dry weather continue after the plants are up, let them be well watered. Early in the 6th month (June), the plants will be strong enough to transplant, which must be done in moist weather. The roots of the plants should be dipped in a puddle, made of Cow or other dung—the ground should be laid in ridges, into which a quantity of good dung must be put, and about a hundred weight and a half if possible, to a rod. This is to be covered over with mould, and the turnips planted over the manure, as directed for Potatoes: the rows must be 18 inches apart, and 12 inches from plant to plant. Or at the end of the 5th month (May), prepare a quarter of a Rod of ground and continue to prepare and sow a quarter of a rod every three days until 2 Rods are sown. If the fly appear, cover the rows in the day time with Cabbage leaves, and take them off at night, hoe well between the plants, and when they are safe from the fly, thin them to 4 inches apart in the row. This will produce about 5000 plants. From this bed continue to transplant them out, from the middle of the 7th month (July), to the middle of the 8th month (August). Or, having prepared the land, you may sow the Turnips in drills over the manure deposited in furrows, and afterwards thin them out, leaving the strongest and healthiest at 12 inches apart, filling up the spots where the plants may have failed. By transplanting in this way, about 350lb. of Turnips may be expected from a Rod.

The leaves of Turnips are good food for Cows: towards the end of Autumn, and before any severe frost occurs, the crop may be taken up, the tops not cut but twisted off. They must be stowed away quite dry, and covered with a coating of dry litter, or straw. They will not bear to be covered over with earth like Potatoes.

When they are to be used, they must be washed, and cut in slices. If towards Spring, they begin to sprout, they must be exposed to the sun and wind: after this, they may be slightly covered with straw, or if the weather be favourable, even remain in the ground, just covering them over with litter.

CABBAGE.

Cabbage may be made to yield a large quantity of green food for Cows, and the same ground may be made to bear Swedish Tur-

nips. The Early York, and Sugar-loaf Cabbages, give no unpleasant taste to the milk. In order to raise a stock that shall stand the winter, and come forward very early in the Spring, it is necessary, towards the end of the 8th month (August), to prepare a rod of ground. Manure it well, sow one half of it with Early York Cabbages, and the other half with Sugar Loaf Cabbages in little drills 8 inches apart, the seeds thin in the drill. The plants should be thinned if nearer than 2 inches. As soon as they are up, you must hoe deeply, and again in a few days. The more you hoe between the Cabbages the better, provided you do not disturb the roots. When the plants shall have attained 6 leaves you must dig up, manure, and make fine another Rod or two: prick out the plants in rows, 8 inches apart, and 3 inches in the row: hoe the ground between them often, and they will be straight and strong. Early in the 11th month (November), lay some manure between the ridges in the rods of ground destined for cabbages, and turn the ridges over on this manure, then transplant your plants on the ridges, which will now cover the manure, at 15 inches apart: here they must stand the winter. Watch the slugs; if any plants fail, supply their places from the bed.

A rod should contain 144 Cabbages. At the Schools of Industry at Lindfield, near Cuckfield, Sussex, nets of strong Cord are kept for sale, which are just a square rod, with 144 meshes; there is a loop at each corner, so that it may be staked down on the Land, when prepared for planting, and a Cabbage, Turnip, Root of Sugar Beet, or Mangel Wurzel may be planted in the middle of each square. Some are made with only 100 squares in a rod, for Scotch Cabbages, which sometimes weigh from 20 to 30 pounds each, on good land well manured.

If the Winter be hard, cover at least the seedling beds with a little litter, or Straw, dead grass, or fern. It must be laid along between the rows, and the plants so as not to cover the leaves: this will preserve them completely. If the ground is dry at top during Winter, hoe it, and particularly near the plants. Destroy all slugs and insects. In the 3rd month (March), when the ground is dry, hoe deep, and well, and earth the plants up close to the lower leaves, As soon as the plants begin to grow, dig the ground with a spade clean, and well: go as near the plants as possible without displacing them: dig again in the 4th month (April), hoe well, and destroy all weeds. About the first of the 6th month (June), there will be Cabbages. The Early Yorks will soon become solid: these will continue to supply food for cows till some time in the 9th month (September). In the 3rd month (March), and 4th month (April), sow more Early Yorks, proceeding as before directed. Dig up and manure the ground, and as fast as you cut Cabbages, plant Cabbages. The last planting should be about the middle of the 8th month (August), with stout plants. These will serve until the 11th month (November). You may procure a crop of Swedish turnips from the same ground, which has borne the cabbages in this way.

When Cabbages are planted out in Autumn, put first a row of Early Yorks, then a row of Sugar-loaves, and so on throughout the

piece. As the early Yorks come first, you will, of course, cut every other row, and the Early Yorks which you are to plant in the Summer will go in the intervals as the Sugar-loaves are cut away: put Swedish Turnips in their place, the ground being dug and manured, as in the case of the Cabbages, the turnips will stand in rows 2 feet apart, and always a foot apart in the row.

To save Cabbage seed, select a few fine Specimens, and plant them by themselves, out of the reach of the effects of the blossoms of other plants, of the Brassica Tribe. The seed will keep for years.

RED CLOVER.

Red Clover (Trifolium Pratense) affords a large quantity of green food from a rod of ground. It lasts from two to three years, on the same ground; but after that, the ground must be dug up, and sown with another crop: Chalkey soils suit it best. Lime, and Gympsum, with the manure, would be highly useful. The ground should be well and deepiy dug, and made as fine as possible. A dry soil is most favourable to Clover. The purple colour of the seed denotes that it is ripe, and has been well saved: good English seed is better than foreign. The time of sowing, is from the 2nd month (February), to the 4th month (April); but from the 8th month (August), to the 10th month (October), is also a good time. The seed should be half an inch deep, in clayey soils, and one inch in light or loose soils. An ounce and a quarter of seed is sufficient for a rod. A thick coat of manure, beaten fine, should be put out in Autumn, or Spring. Beans, Oats, or Wheat, may be sown after clover.

LUCERN.

Lucern requires a good and deep soil. The ground for it, should be well dug, two spits deep, and the manure deposited at one spit deep. It must be sown as early as possible in the Spring, in drills, 9 inches apart, the quantity of seed, about 1¼ oz. to the Rod. The seed should be plump, and new: two years old seed does not answer so well. Lucern will bear transplanting. It must be kept carefully free from weeds. Ashes, Gypsum, and the liquid manures, are very useful. It sometimes admits of five cuttings in a summer. Lucern will continue to be productive for nine or ten years, or even 20 years.

MANGEL WURZEL.

Mangel Wurzel yields much food for cattle by its leaves in summer, and roots in winter. Some roots in favourable situations, will weigh from 20 to 30 pounds. The ground must be prepared in the same way as for Turnips, with plenty of manure in the ridges, which being covered with mould, the seed is to be sown over it in rows, 20 inches apart, and about nine inches apart in the rows. It should not be sown later than the fourth month (April); the seed should be dibbled in, two or three in a hole, not more than half an inch under

the surface, for if they are put in too deep they will never come up at all. Some prefer sowing upon a seed bed, and transplanting them on the ridges, over the manure, in the fifth month (May).

YELLOW BEET.

Yellow Beet is a variety of Mangel Wurzel, and is sometimes called Sugar Beet, because a considerable quantity of sugar may be made from its roots. It requires the same preparation of ground as for Turnips and Mangel Wurzel; but its leaves as food for cattle are preferable to Mangel Wurzel, which should never constitute more than one third part of the food of Cows or Pigs. It may be planted in rows, 20 inches wide, and the plants seven or eight inches apart; although this is too close to have the largest size individual plants, yet on the whole it gives a heavier crop. Two or three sowings are perhaps to be preferred to one only. The first to be sown in the beginning, or the middle of the third month (March), on a bed of rich earth in the garden, watered when necessary. About the third week in the fourth month (April), or the beginning of the fifth month (May), the plants will be strong enough to transplant on the ridges. A second or main crop may be sown upon the ridges, and remain without transplanting: the strongest plants being suffered to remain, and the weakest removed: should however the weather be unfavourable, the middle or end of the fifth month (May), will be found a good time.

If the plants for transplanting be carefully taken up with a curved trowel, so as not to break the tap root in planting,—the root to be inserted straight into the ground, and the point or lower extremity of it not doubled up—it will be found that the plants will not run to seed; a complaint often made against the practice of transplanting. When the leaves have attained a sufficient size, so that the outer ones are full grown, they may be picked off for the Cows.

In order to avoid disturbing the roots, the best method is to let the middle leaves pass up between the fingers and thumbs of both hands spread out with the palms downwards, and then pressing down break off the outer leaves without disturbing the roots. In three or four weeks you may go over them again, and in this way obtain a weight of green food for cattle, even exceeding the weight of the roots.

WHEAT

Is the most nutritious and valuable of all grain or corn, containing more gluten than any other kind. There are many varieties of wheat, but the thin skinned white wheat is generally preferred.—The soils best adapted to it are rich clays, and heavy loams, but these are not by any means the only description of soil on which wheat may be cultivated with advantage. On rich clay, wheat may be cultivated every second year, provided suitable care be taken to keep the land clean, and in good condition. Light soils (the soft [illegible]

excepted,) will produce excellent wheat. The soil intended fo wheat should be very thoroughly dug two spits deep, if the nature o the soil will permit, and trenched up; this should be done severa times, at distant intervals of time. The manures best calculated fo wheat are animal matters, and lime. The application of lime seems essential. A more abundant supply of manure is generally require for wheat than for any other grain, and it should be put on about th end of the eighth month (August), or the beginning of the ninth month (September). Wheat may be sown in the ninth month (September), and tenth month (October).

The produce of spring-sown grain ripens about a fortnight earlie than the seed from winter-sown grain, when employed as spring seed Wheat for seed must be perfectly clean and free from any smut.— Wash it in a running stream of water, or where that is not easily t be obtained, pump upon it for ten minutes or more in a basket, turn ing it about all the time with a large stick, or a man's hand and arm Lay it upon a dry brick, stone, or earth floor, and sift upon it suffi cient slacked lime to dry it for sowing, which should be done nea morning. The quantity of seed must vary according to the soil, fro two to four bushels per acre. In the small quantity required fo Cottage cultivation, it may be sown in drills, or dibbled; poor lan always requires more than the rich. Top dressing wheat crops ha been recommended in cases where the land is too poor to bring th crops to perfection; fluid as well as solid manure has been used fo these purposes. When wheat appears to be too luxuriant or forward it is sometimes eaten down by sheep in the fourth month (April).

Wheat ought to be cut before it appears quite ripe. The produc from 20 to 40 bushels per acre, of 61lb to 63lb the Imperial Bushel The weight of the straw is generally double that of the grain. A load of straw consists of 36 trusses of 36lb each, or 11¼ cwt.

RYE.

This grain does not require so rich a soil as wheat; the prepa ration of the soil however will be the same. It is to be sown at the same time as wheat, and is a more certain crop than wheat. Mixed in certain proportions with wheat flour, it makes a moist sweet kind of bread. It is often sown in the autumn, to be cut early in the spring for green food for Cows, and answers well for this purpose, as it comes sooner than most other things.

BARLEY.

Barley is very quick in coming to maturity after it is sown. It may follow turnips; the ground must be made very fine for it, by harrowing and rolling, after having been well dug by the spade; the Siberian barley is more productive than the other sort,— the best seed is that which is free from blackness at the tail, and is of a pale lively yellow colour, intermixed with a bright whitish cast, and if the skin be a little shrivelled it is so much the better, as it shews that it has

sweated in the mow, and is a sure indication that its coat is thin.—The necessity of a change of seed from time to time (by sowing that of the growth of a different soil), is in no instance more evident than in the culture of this grain, which otherwise becomes coarser and coarser every year.

The best soil for barley is a light rich loam finely pulverized. It will neither grow well on a sandy or soft soil, nor on strong clays: the quantity of seed is about three bushels to an acre.

The best season for sowing barley is in the third month (March), and on strong lands, well drained, the early part of that month; from the beginning of the fourth month (April), to the middle of the fifth month (May), is however a good time; but a variety of barley called Bigg, may be sown either in Autumn, to stand the winter, or as late as the first week in the sixth month (June).

When the weather is dry at the time of sowing, the seed barley should be soaked in water from 24 to 36 hours, then sowed and harrowed in as quickly as possible. It may be expected up in a fortnight. Barley is known to be ripe when the reddish colour of the ear is gone off, or when the ears droop, and fall as it were double against the straw, and the stalks have lost their verdure.

The average prodnce in Middlesex is 32 bushels per acre, and two loads of straw; but in Essex it sometimes amounts to 56 bushels per acre. The straw is more useful for litter than food for Cows.

OATS.

Oats are a very useful grain, and more peculiarly adapted to Northern climates than either Wheat, Rye, or Barley. Of all grain, it is the easiest of culture, growing in any soil that admits of ploughing.

There are many sorts of Oats, but the varieties called the Potatoe Oat, and Poland Oat, are the best for low lands, and red Oats for uplands. For inferior soils, the white or common Oat may be sown, and the Black Oat for the poorest of all.

The quantity of seed is from four to six bushels per acre, when sown broadcast. Land sown with Potatoe Oats requires less. It must be sown about the middle of the third month (March).

The produce of Oats is generally considered greater, and of better quality in the Northern than in the Southern parts. Ten quarters an acre is reckoned a good crop, but the produce is often 12 or 13 quarters, and the straw from two to 3½ loads per acre.

It may be sown in drills, as early as the season will permit after winter, the ground having been previously manured, and made as fine as possible by digging and raking.

BUCKWHEAT.

When the flonr of Buckwheat is made into cakes, it is a very palatable food for man, but it is especially useful when ground into meal, in fattening Pigs, while the flowers during the blossoming season furnish abundance of honey to the Bees.

It will grow in the poorest soil, and produce a crop in three or four months. It has the quality of preparing the land for wheat, or any other crop. Two bushels of seed will be sufficient for an acre it should not be sown till the end of the fifth month (May), the young plants being apt to be destroyed by frost. The produce on an average is from 24 to 32 bushels per acre; eight bushels of Buck wheat meal will go as far as twelve bushels of Barley meal.

ROTATION OF CROPS.

It having been found in practice, that the same crop will not con tinue to flourish year after year successively upon the same spot ground, it is necessary to have a rotation of Crops; the same piece Land, however, may be cultivated one year in Potatoes, and t next in Wheat, Oats, and Rye, or any other corn; and if care taken to manure for the Potatoes and not for the Corn, this rotation crops may go on year after year. In some instances double cro may be had; for example, winter tares or rye may be sown bef winter, to be cut green in the spring, upon the ground allotted f Potatoes, Turnips, or Buckwheat.

The following is a plan for the rotation of Crops, upon a farm five acres, for four years, each square being a quarter of an acre; the fifth year the same order may be observed as in the first; t sixth year the same as the second; the seventh year as the thir and the eighth year as the the fourth; the crops however, and t rotation of them may be varied, as the necessity for it shall pointed out by experience.

House and Offices on Half an Acre.			
1 Wheat or Rye.	2 Wheat or Rye.	3 Oats with Clover.	4 Barley.
5 Potatoes.	6 Potatoes.	7 Potatoes.	8 Buckwheat.
9 Lucern.	10 Lucern.	11 Tares. Cabbages as soon as Tares are off.	12 Cabbage.
13 Cabbage.	14 Turnips.	15 Turnips.	16 Carrots. Parsnips.
17 Yellow Beet.	18 Mangel Wurzel.	19 Red Clover.	20 Barley.

SECOND YEAR.

1 to 2 Potatoes.
3 Clover to be cut twice.
4 Yellow Beet.
5 to 6 Wheat.
7 Turnips.
8 Carrots and Parsnips.
9 to 10 Lucern.
11 Cabbage.
12 to 13 Mangel Wurzel.
14 Oats and Clover.
15 Barley and Clover.
16 Buckwheat.
17 Cabbage.
18 Cabbage or Turnips.
19 Wheat.
20 Potatoes.

THIRD YEAR.

1 Barley and Clover.
2 Oats and Clover.
3 Wheat.
4 Cabbage.

d Carrots.	12 Cabbage.
[illegible]	13 Wheat.
–, and the same year	14 to 15 Clover.
nips.	16 Yellow Beet.
Lucern.	17 Mangel Wurzel.
and Clover.	18 to 19 Potatoes.
	20 Oats and Clover.

FOURTH YEAR.

1 to 2 Clover.	12 Turnips.
3 Potatoes.	13 Potatoes.
4 Turnips.	14 to 15 Wheat.
5 Cabbage.	16 Carrots and Parsnips.
6 Mangel Wurzel.	17 Potatoes.
7 Oats.	18 Tares.
8 Barley.	19 Oats and Clover.
9 to 10 Lucern.	20 Yellow Beet.
11 Clover.	

By attention to the subject of manure, and by cultivating the land in the manner proposed, the following important results may be obtained.

1.—A garden of 64 rods, cultivated as at page four, would prove a great relief to the labouring man, and might, in most instances, prevent the necessity of his applying to the Parish for relief.

2.—In all cases where the Labourer can be furnished with one acre and 64 rods of land, the iniquitous and degrading practice observed in Sussex, Surry, and Essex, of paying a part of the labourer's wages out of the poor's rates, might be abolished, to the great relief of the Shopkeeper, as well as the Proprietor of Land.

In this case, the Labourer must sign the agreement at page three, and renounce all claim upon the parish; the acre must be cultivated one half in Potatoes, and the other half in Corn, either Wheat, Oats, or Rye; but perhaps Oats would be preferable, as the straw is excellent fodder for Cows in winter: the 64 rods must be cultivated as at page four.

The cottage should contain, a sitting room or kitchen 14 feet square, and eight feet to the ceiling, with a fire place, an oven, and an iron boiler; three sleeping rooms, with a fire place in one of them; a privy, a tool house, and pig styes: from all these, drains are to be made into a dung pit, so constructed as to be water-tight.

The Labourer who earns only 12s. per week, could well afford to pay 4s. per week for the Cottage and Land; the cultivation of the ground need not at all interfere with his daily labour, and he might thus, by the help of his family and his own exertions, occasionally obtain from the acre alone, beside the use of a comfortable Cottage, *that* for 4s. which he now pays 8s. 6d. for, being the cost of his Rent, Bread, and Potatoes. And thus have 8s. disposable for clothing and comforts, instead of 3s. 6d. He might have beside the produce of the 64 rods, which by the plan stated at page four, would give him an interest in a Cow, and plenty of vegetables for his family; he would also be able to keep a Pig, Bees, &c.

Wherever, then, public spirited persons can be found who will supply the Labourer with such a cottage, and such a portion of Land, the Poor's rate, as far as this class is concerned, might be abolished.

This plan is adapted, not only to the agricultural Labourer, but to the Labourer in manufactories also, where ground can be procured within two miles of his work—the effect upon health and morals, would be incalculable; and if a season of distress should arise, from a stagnation in the current of trade, the workmen would not be in immediate danger of starving, as has often been the case with the miserable Silk Weavers in Spitalfields, and those who work in Cotton Mills, where the health, comfort, and morals of the Labourers are disregarded. Labourers, with such a Cottage and Land, would be able to make deposits in the Savings' Banks, and thus provide for sickness and old age.

3.—Five-acre Farms. If a Cottage and suitable out-houses, not exceeding the cost of £400, were built upon half an acre of Land, and this connected with a Farm of five acres, cultivated in the manner already described in the 20 squares of a quarter of an acre each, it might provide for the subsistence, in high comfort, of persons who have but limited incomes—say, £100 per annum, and who may by adverse circumstances have been reduced from affluence. Such a Farm would keep four Cows, besides Pigs, Poultry, Bees, &c.; and one Labourer would be sufficient to cultivate it on the spade or garden plan.

4.—Three-acre Farms. Three acres of Land, with a suitable cottage and out-houses. The land being cultivated upon the plan proposed, and care being taken to preserve every thing capable of making manure, and to apply it to the land, it would support any Family in great comfort, besides allowing of the practice of some handicraft business; it would also enable him to make deposits in the Savings' Bank. This quantity of land would, when once put into train, require but about four or five months in the year for the man and his family to cultivate it, and he might devote the greatest part of his time to working at his trade of Carpenter, Cabinet Maker, Turner, Watch-maker, Shoe-maker, Tailor, Stocking-weaver, Glover, Linen or Silk Weaver, or any other occupation which may be performed within doors; or he might work every other week in a cotton mill, or some other manufactory, and in this way, by employing double the number of workmen, many of the evils of these establishments might be obviated. This plan, if applied to the case of the Poor in Ireland, and especially if combined with conciliatory measures, would totally change the face of things in that country.—Squalid misery, disease, and ignorance, would soon be replaced by comfort and health; and a turbulent and dangerous population be exchanged for a happy and well informed community. The soil of Ireland is admirably adapted to the purpose, and the Nobility of the Country have it in their power, without any injury to themselves, but to their unspeakable advantage, to provide an effectual remedy for the present disgraceful state of things in that unhappy Country.

By cultivating the three acres in the manner here pointed out, observing the rotation of crops, as laid down for the five-acre Farm, a man might procure sufficient Potatoes and Corn for his family for a year's supply, and, with the exception of 7lb. of hay per day for each Cow, for the 180 days of winter, might, from 140 Rods of ground, keep two Cows in high condition for the year round; the produce of 40 Rods of Buckwheat would fatten his pigs just before the time for killing; and the 60 Rods of Flax might be manufactured and spun into yarn by his family: and he would manufacture that yarn into cloth; thus the three acres of land would be made to supply the family with food, and to produce Butter, Pork, and Linen, three great articles of export from Ireland, by the sale of which, he would be enabled to pay Rent and Interest for his Land, and little Capital, to clothe his family decently, to procure education for his children, and to make deposits in a Savings' Bank against a day of need.

Rye and Tares to be sown in autumn, and cut green in the spring, after which, plant Potatoes.	Rod 9(
Oats or Wheat to follow Potatoes, and this rotation to be continued every year.	9(
Mangel Wurzel and Sugar Beet, but previously Rye.	4
Swedish Turnips, but previously Rye.	4
Buckwheat, but previously Rye.	4
Lucern.	4
Cabbage, to be used after the Rye and Tares are cut.	4
Flax.	6
Carrots. | Parsnips.	
Garden.	9
Cottage and Farm-yard.	1(
Three Acres	48

The number and size of the rooms for the Cottage, the out-house and drains for the preservation of manure, may be seen in the pl annexed; the expense of these buildings will vary greatly, accordi to local circumstances; in some places timber of a small size, but su ficient for this purpose, is so cheap that they might be built in fram and the interstices wattled with twigs, and plastered over; in oth places, stones are so plentiful that they may be had for carriage; b where there are none of these advantages, the walls may be made rammed earth, or Pisé, as practised on the Continent, and in som parts of England; or of mud and straw about a foot thick, as in many parts of Ireland, but in this case the external surface must be covere with a cement which shall resist the action of rain, and thes Cements are now to be had at a very moderate expense. The foun dation should be of stones or brick, and the floor of the Cottage mu be raised at least one foot above the level of the ground. The earth f the floor, being rammed hard and made quite level and smooth, mu be covered with a mixture of Quicklime just slacked, and which ha not been exposed long to the air, and sharp sand, some scales

iron (which, in forging, fall from the Smith's anvil), must also be mixed, and the whole brought to a proper consistence with blood from the butchers. The floor is to be trod quite even by a person with flat boards attached to his shoes, or a garden roller may be employed; it will set as hard as stone, and may be washed with water, of which there must always be a good supply. In the kitchen, a tub of water, with a cock in it, must be supported at a proper height over a sink, from which a pipe is to communicate by a drain with the dung pit, which must be made water-tight, to hold the fluid manure. The buildings must be covered with thatch, except where slates can be had on cheap terms.

In some parts of Ireland, the Cottage and out-houses, also two Cows, and four Pigs, with Tools and Seeds, can be had for 50 or 60 pounds sterling; this sum, then, supposing the poor man to have furniture, a spinning wheel, and a loom, is all the capital that would be wanted to place him in a situation of great comfort.

Every Tenant, upon admission, must sign articles similar to those at page three, admitting that he may be expelled if he violate any of them. He must engage

1.—To observe, strictly, moral conduct.

2.—To receive nothing in Alms or Charity.

3.—To cultivate the Land in the manner prescribed to him, or not to vary it without leave. To underlet no part of it, not to damage or remove any shrubs, or trees, and to keep the Land properly manured.

4.—To send all his children to the Schools, so long as no Catechism is taught in them, and all interference with the peculiar religious opinions of their parents is avoided; the religious instruction to be confined to the Holy Scriptures, without note or comment.

5.—To pay the Rent at the time, and in the manner to be agreed upon.

6.—Not to suffer any spirituous liquors to be sold on the premises.

Suppose the Rent as high as 30s. per English acre, the annual rent for the Land would be £4. 10s.

A Rent charge of seven per cent. might be made on the Capital employed in the building and stock, which, supposing it to amount to £60. would be £4. 4s. and this added to the £4. 10s. the rent of the Land, would make a total rent of £8. 14s. This might be amply provided for by the sale of the butter of the two Cows.—There might be a condition in the agreement that, when the Tenant paid off any part of the £60. Capital, a proportional part of the £4. 4s., the Rent of the building and stock, should cease, and when the whole of the £60. should be paid off, the cottage and stock should become the property of the Tenant, who might then take a lease of the Land for 99 years, with a covenant, never to suffer it to be divided into any smaller lots, and that no spirituous liquors should be sold on the Premises; any other conditions that might be thought proper could be added.

Upon this plan, any Individual might by purchasing three acres of Land, and advancing £60., make a whole family comfortable; or a

number of individuals might join, to build a village. There are many Noblemen, and private persons, who have tracts of Land in Ireland, each of whom might establish a village of 50 Cottages, which might be increased to any extent, as the experiment was found to succeed. These Cottages, with the Land behind them, might be disposed on each side of a road, in the manner of the Colonies in South Russia. See plate 11.

As the moral instruction of the children is an object of the highest importance, every Cottager should be bound to pay sixpence per week towards an education fund. One of the Cottagers should have a school-room capable of holding all the boys; another, a room capable of holding all the girls, and a third, a room for an Infant School. One of the Cottagers should be a man capable of teaching the children Reading, Writing, and Arithmetic, and other branches of useful knowledge; as Netting, Knitting, &c. four hours a day, for which he should receive 10s. per week; this would leave him ample time to cultivate his Farm. A Female, competent to the care of a girl's school, should receive 8s. per week for teaching the girls, and a woman of kind disposition 7s. per week for taking care of the Infant School.

The Boys, when of suitable age, should be employed on the Farm —they would thus become skilled in the rotation of crops, and the most profitable modes of cultivation. The writer has seen a girl of seven years old, who had been taught to milk a Cow, and could do it as well as a grown person.

Upon this system, not only may the Linen-weaver be provided for, but any of the Handicraft men enumerated at page 19. Thus, there might be a village of Shoe-makers, Stocking-weavers, or any other trade. In the case of a village, it would be very desirable to put it under the care of a Committee of benevolent persons in the neighbourhood.

The theoretical objection which has been made against providing for the comfort of the Poor, that they would thereby increase to an inconvenient extent, is best answered by matters of fact. With regard to Ireland, it is an undeniable fact, that the increase of the poor population is greatest of all precisely in those districts where the means of support are the least, where the ignorance is the greatest. Where the Poor are the most miserable, they multiply in the highest ratio, because there are no moral checks, and because they seem to consider that marriage and a family cannot sink them lower in the scale of wretchedness. On the other hand, a good education, and a respectable standing in Society, are actually found to operate as a moral check to improvident marriage; and we may fairly calculate upon it, that a young man and young woman, educated as the Poor upon this Plan would be educated, would be earnest to save money and secure a situation, where they might live in the same comfortable and respectable manner as their Parents had done before them Instead then of encouraging emigration, at an enormous expense per head, rather let that money be applied to the establishment of Colonies at Home, and the increase of our national strength. Where

Plans were judiciously pursued, it would soon be found, that we have not one man, woman, or child, too many in Ireland, and that the Country is capable of supporting many times the amount of its present population in high comfort.

There are 640 acres in a square mile; this space would accommodate 213 families in three-acre Farms. If then we admit that there are in Ireland one million of families to be provided for, they might all be settled down in this manner, upon a space of about 70 miles long and 70 miles broad, or three million of acres.

That there is no want of space in Ireland, may be seen from the following statistical summary, copied from that highly useful work, Loudon's Encyclopedia of Agriculture, page 1154; and at page 132 will be found a very interesting account of the state of Agriculture in Ireland.

DUBLIN. 240,000 acres; one eighth in mountain and waste, a tenth in buildings, roads, rivers, &c. and the remainder in arable and pasture.

WICKLOW. 500,000 acres; in great part mountains and bogs, and without inhabitants.

WEXFORD. 597,760 acres; mountainous on the north and west, a light soil, and tolerable cultivation on the east, and in other parts a cold stiff clay, unimproved by culture.

KILKENNY. 510,000 acres; mountainous, but with some rich and beautiful vales on the banks of the Barrow, Suir, and Noire, and a climate so mild that in winter the thermometer seldom falls below the freezing point, while in summer it ranges between 70 and 75 degrees. There is less humidity here than in Dublin and Wicklow, as well as less of the east and north winds.

KILDARE. 392,397 acres; four-fifths arable, meadow, and pasture, and the rest bog.

KING'S COUNTY. 457,000 acres; half are bogs, mountains, and waste: and the remainder, arable, meadows, and pasture, of a medium quality.

QUEEN'S COUNTY. 384,000 acres; generally of a level surface, three-fourths of which is of a productive soil, and cultivated, the rest, bog and waste.

CARLOW. 220,098 acres of undulating surface, with some hills and mountains; the low-lands a fertile loam, and the uplands a light gravel: one tenth in mountains and bogs.

EAST MEATH. 617,600 acres of low, flat, rich surface, a clayey or loamey soil, on limestone or gravel, with little wood, few mansions, and only one-twelfth of bogs.

WEST MEATH. 378,800 acres of surface—the surface of this district is exceedingly diversified, with woods, lakes, streams, bogs, and rich grazing lands: in no part mountainous, or flat, but gently undulating, or rising into hills of no great elevation, some of these are cultivated to their summits, and others covered with wood, presenting in several parts some of the finest scenery in Ireland.

LONGFORD. 234,230 acres; in great part bog, mountain, and waste: the climate on an average giving 140 dry days in the year

LOUTH. 210,560 acres; mountainous towards the north, but in other parts undulating and fertile; with little waste Land, no considerable lakes, and a great number of gentlemen's seats.

WATERFORD. 454,400 acres; the greater part hilly and mountainous, but rich and productive on the south east; the climate so mild that cattle sometimes graze all the year round.

CORK. 698,882 acres of greatly varied surface, bold, rocky and mountainous on the west; rich and fertile on the south and east romantic and sublime in many places, one fourth part waste.

TIPPERARY. 1,018,240 acres; diversified with heaths, mountains, and fertile vales; of which the golden vale is among the richest land in the Kingdom. The climate so mild, that cattle graze out all the year.

LIMERICK. 683,800 acres of low lying fertile land, surrounded by higher grounds.

CLARE. 771,365 acres; nearly half productive land, and the remainder, moors, mountains, and bogs, with more than 100 Lakes interspersed. The climate, though moist, is not unfavourable to health and longevity; fevers sometimes prevail to a great extent here being occasioned chiefly by the dampness of the houses, and inattention to domestic and personal cleanliness.

KERRY. 1,128,320 acres; more than three-fifths mountainous and waste, the sea coast and Islands are the most westerly land in Europe; some of the mountains are 3000 feet high.

ROSCOMMON. 556,847 acres of flat surface, in some places sprinkled with rocks, and in many interrupted by extensive bogs the richest land on limestone, and adapted either for aration or pasture.

GALWAY. 1,659,520 acres of varied surface, above a third part bogs, mountains, and lakes, and very unproductive and thinly inhabited.

MAYO. 1,496,460 acres; in great part mountains, bogs, and lakes: half heathy mountains, with valleys very fertile, but neither woods nor plantations, excepting on one or two Estates.

LEITRIM. 386,560 acres; one half bogs, waste, and water, and the remainder, dark fertile soil, incumbent on Limestone.

SLIGO. 465,280 acres: a third part bogs, mountains, and water, and the remainder fit for tillage or grazing.

CAVAN. 499,957 acres; almost entirely covered with hills, the surface, soil, and climate, being alike bleak and uncomfortable.

FERMANAGH. 450,000 acres; in great part covered by water, and much of the rest of the surface rugged and mountainous, but better wooded than other parts of Ireland.

MOAGHAN. 325,760 acres of low grounds, with detached hills, and a considerable space occupied by bogs and small lakes.

TYRONE. 813,440 acres; in great part mountainous: the territorial value of this inland and northern district is much inferior to that of most others.

DONEGAL. 1,100,000 acres of rugged, boggy, and mountainous surface, with a cold, wet climate, and neither woods nor plantations to shelter from the blast.

LONDONDERRY. 510,720 acres; generally mountainous, fertile, and beautiful in the vallies, and containing every variety of soil.

ARMAGH. 290,786 acres of varied and rather interesting surface, of mountain plain, and bog, with rivers, streams, and lakes, and a climate mild, for the latitude.

DOWN. 558,289 acres; of which one eighth are mountainous, and waste, the remainder hilly and productive, cultivated by small manufacturers, and embellished by plantations, bleaching grounds, and neat white-washed habitations. The Climate is variable, but not subject to extremes.

ANTRIM. 622,059 acres; on the east and north mountainous, destitute of plantations, and abounding in bogs, the other parts more level, and fruitful, and the climate drier than in some other counties.

One of the miseries under which the Poor in many parts of Ireland groan is, the enormous rents exacted by middle men for small patches of ground; but it is in the power of benevolent individuals, by adopting the plans now recommended, to rescue the Poor from the grasp of middle men, and diffuse comfort and plenty where want and distress reigned before.

The necessity for having recourse to the cultivation of the soil, for the support of a poor population, has been felt more or less, by those who have properly considered the subject, in all ages, and in all countries; and if this little Pamphlet possess any merit, it is in shewing by the results of actual experiments, and calculations founded upon them, that the thing is practicable, and fraught with the greatest advantages to all classes of Society. The necessity for attempting something of the kind in Ireland, was felt so strongly by James Marten Pike, and some other individuals in Dublin, that during the last year they formed a plan, "To purchase, in the first in-"stance, an Estate of considerable extent, and to sell to each of the "occupying tenants the fee simple of his own farm.". The money for this purpose was to be raised in shares. The Pamphlet they published on the occasion ought to be read by every friend to Ireland, and it may be had of the publishers of this work. It is intitled "Statement of some of the causes of the disturbances in Ire-"land, and of the miserable state of the Peasantry, with a Plan for "commencing on sound principles an amelioration of their condition "thereby romoving the causes of the disturbances, and bringing the "country into a state of peace and quietness." The facts therein detailed prove that the Poor, in many instances, are grievously oppressed. They have properly exposed the unfeeling system now in operation, of demolishing the Cabins of the Peasant, and attempting to get rid of a "supposed surplus population, by driving them from "the pure air in the country, into pestilential hovels in the suburbs "of towns, to be cut off by sickness and by want almost amounting "to famine." On the other hand, some bright examples are given, in the instances of John Leslie Forster, and Lord Headly, in the south-west part of the county of Kerry, of the happy effects of employing capital to enable the poor to subsist by their own honest exertions in the cultivation of the soil. They have

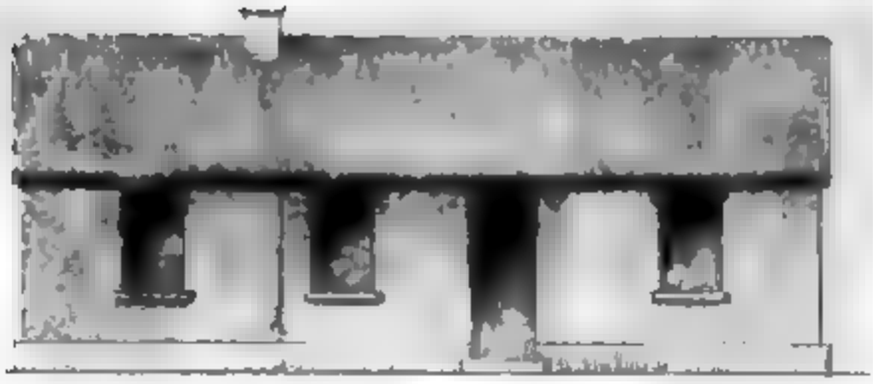
shown that the Poor of Ireland know how to appreciate kind treatment, that they are grateful for it, and that Persons and Property are perfectly secure in those parts which are under the protection and management of such enlightened Individuals. Instead however of creating a number of small Freeholders who might at a future period sub-divide their Estates, so as not to afford a comfortable subsistence for a family, it will be much better to make them Leaseholders with conditions such as are prescribed at page 12.

With regard to the agricultural labourers in England, there is reason to hope, that their cause will be taken up by those who not only have the disposition but the means for doing it. The Duke of Buckingham, in a late address to the Grand Jury at the Quarter Sessions for Buckinghamshire, is reported to have used the following expressions. "This County enjoys the painful pre-eminence of having "its poor rates heavier than any other county in England: it is this "distinction that I wish to get rid of. We ought to look for the co-"operation of the poor in our endeavours to eradicate this evil; but "unfortunately the poor have lost that spirit of independence which "they once possessed, and which would lead them to so desirable an "end. There is a general belief now prevailing among them that "they have a right to a provision out of the property of the country "—but it is our duty to undeceive them in that respect, and to tell "them that the Law of England directs that every man shall work "for his own maintenance, whilst it allows us to provide them with "labour. I come now to a consideration of the support which a la-"bourer ought to receive. It is your duty to pay every one accord-"ing to his earnings, and to make no difference whether the labourer "is married or single. But a distinction should be preserved between "labour furnished by the parish, and that paid for by the farmer;— "parish labourers ought to be paid less than those who work for the "farmer, in order to hold out an inducement for them to apply to the "farmer for employment rather than to the parish. It is your duty "to find work for the poor in your parish, and not to have recourse "to the abominable system of making them go the round." The Duke then detailed the means which he had used in several places to lessen the burden of the poor's rates, *by letting each labourer a certain quantity of land, about three chains,* AT THE FULL RENT, *for cultivation* at his leisure hours, on engaging not to come upon the parish as long as the produce of their land returned a money value.

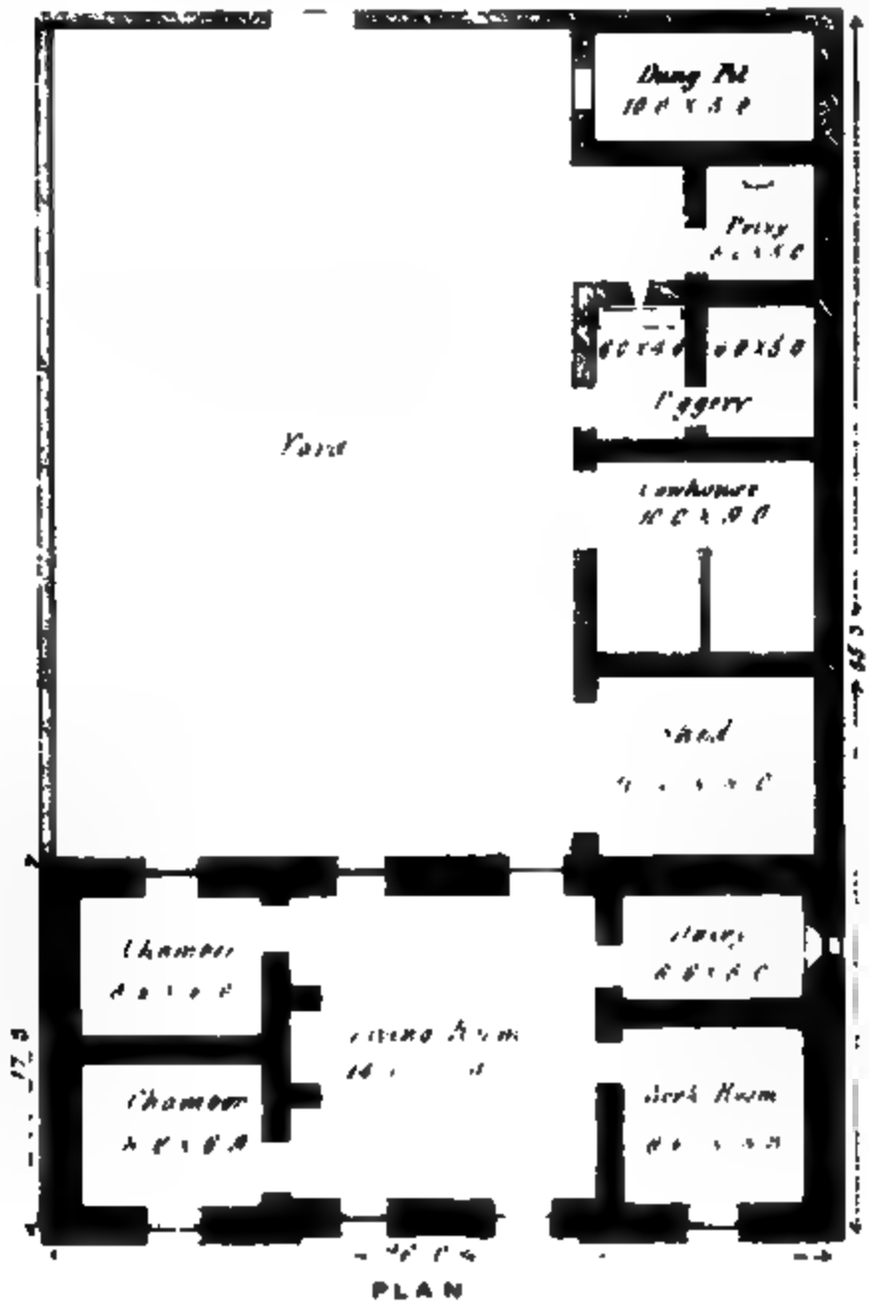
It was found that at Michaelmas the tenant had acquired sufficient from the culture of this piece of ground, to pay the year's rent, and to have besides as much remaining as was equal to what he would otherwise have received from the parish.—"*In this manner,*" *said the Duke,* "*I get the full rent of the land, and the man and the* "*parish are both relieved, and I seriously and anxiously recommend* "*this plan to your consideration as the best mode that can be adopt-*"*ted to attain the end in view.*"

If those whom Divine Providence has intrusted with riches, would duly lay these things to heart, and avail themselves of the means put into their hands, they would in no very long time change the

face of their Country. The morals of the great mass of the people would be improved, their happiness in consequence augmented, and the blessed effects of it would be felt through all the ramifications of Society. The Plan recommended is so simple, that it may be acted upon by any individual who can advance £60., and who would thus have the opportunity of making at least one family happy. Fifty such individuals might unite and build a village, and each of these individuals would hold ample security for the money advanced.

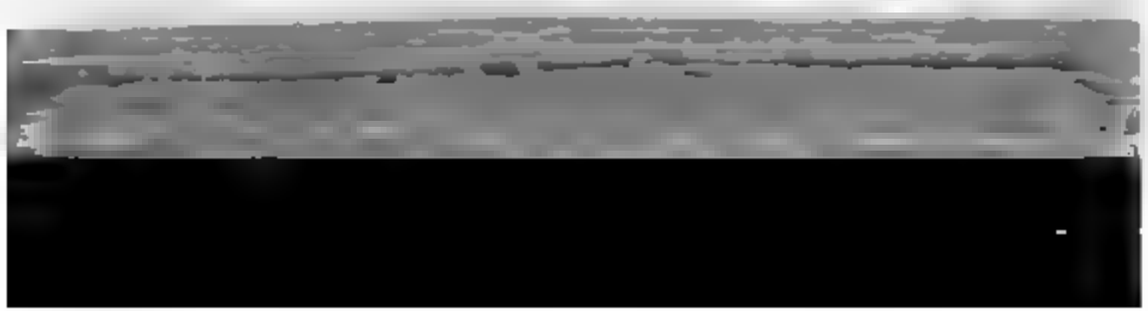


ELEVATION



PLAN

A Cottage & Farm Yard upon the Plan of
COLONIES AT HOME.



REPORT

OF

THE SPEECH

DELIVERED BY THE

REV. JOHN C. MARTIN,

FELLOW OF TRINITY COLLEGE, DUBLIN.

AT THE

FIRST GENERAL MEETING

OF THE

Brunswick Constitutional Club of Ireland,

HELD IN THE

ROTUNDA,

ON TUESDAY, NOVEMBER THE 4th, 1828.

PRINTED BY ORDER

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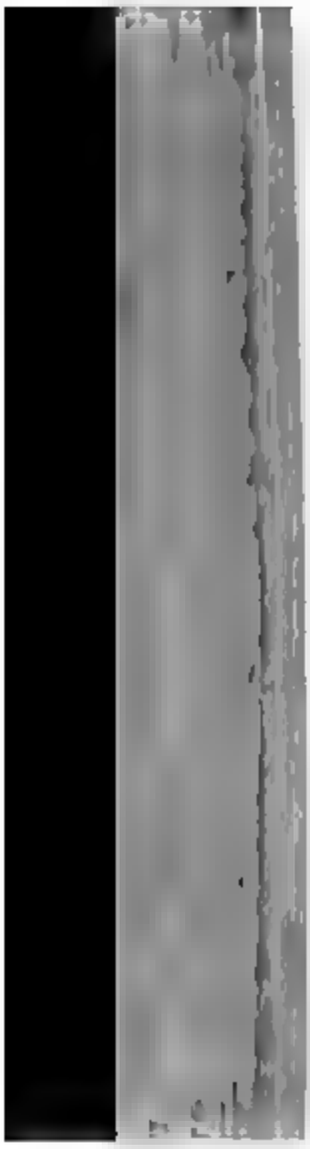


SPEECH

OF THE

REV. J. C. MARTIN,

AT THE

First General Meeting

OF THE

BRUNSWICK CONSTITUTIONAL CLUB OF IRELAND.

My Lord and Gentlemen—you will, I am sure, excuse any diffidence I may feel in addressing you, when you learn that I am on this occasion the representative of Dr. Robinson, whose duty it would be, were he present, to second the resolution which has just been proposed. It is indeed with a reluctance, on the part of all my tastes and habits, that I find myself presented before such an assembly, and embarked upon the sea of politics: but there are motives, too, to overbalance all such reluctancies. This, My Lord, is hardly a time to be silent. Towards our Roman Catholic Countrymen, it is but justice to state—inoffensively if possible, but still plainly and boldly—the grounds of our unwilling opposition; and more than this—it seems to be a sacred and imperative duty—a debt we owe our country—to sound the alarm when once we have been indeed convinced that the British Constitution, and that Civil and Religious Liberty are in danger.

'Twas the view of this overhanging danger, my Lord, created the Brunswick Club, and the proof of this danger, therefore, seems to be our best occupation—It is the best mode, of supporting the resolution I hold in my hand, and of justifying and propagating our loyal, defensive, constitutional, and charitable principles.

Over a field of discussion however so wide as this, it is not easy to pass with due rapidity, I shall try, therefore, to avoid any topic too familiar to you, or any but remotely connected with the merits of the case, and thus less worthy the attention of so enlightened an audience; any mere flowers of Rhetoric too, or storms of passion, which may for the moment amuse or excite you, but which cannot convince your more calm and sober judgment. With the view indeed of abbreviation, I shall even omit allusion to some matters of importance—

the civil and church history for instance of this country for centuries, and the histories of corresponding states and churches; the leading emancipating speeches too, which afford a matter for grave reflection, betraying as they often do a wonderful ignorance of a matter upon which they legislate, very fearlessly and superciliously, and often too so wildly, that their most popular arguments if they prove any thing to my judgment prove this, that the "rights of man" require that Government and Legislation should be granted, even to a banded conspiracy of men, solemnly pledged and infallibly able to overturn the liberties and happiness of a nation!!- and lastly, I shall scarcely allude to any particular speech or proceeding of the Catholic Association.

Some of these latter topics have been already dwelt upon, and I choose, therefore, to pass them over for one perhaps more important.—In fact, 'tis my impression—that many facts of observation or history may be regarded as only passing or casual occurrences, and many, as the caprices of this or that man—that even the present proceedings of Roman Catholic Leaders, and the general consent, sympathy, or approbation they meet with, are not—if considered in themselves—unanswerable arguments, though they are strong grounds, for predicting events yet to come; they are not *prophetic* unless connected in some natural way with *Romanism itself*, and viewed as emanations from the system, or illustrations of its power and its spirit—'Tis only, I repeat, some permanent collection of *principles*, some established constitution or organized system, that can—and that may by itself, without history or experience—support the sage deliberations and the anticipations of a statesman.

But as the view of this system is wide—embracing the arrangements and sentiments of large communities, I shall just illustrate the argument upon which I mean to dwell by a simple illustration: it is the first that occurs to me and though not in all respects alike, it may yet do all that I want or wish, help slightly to give you some idea of a view more general. Suppose then, my Lord, a man were placed in any dangerous situation and were suddenly startled by the advance upon him of a stranger, what would be his natural proceeding? would he not narrowly observe the armour and dimensions of that stranger, compare them with his own, try too to ascertain his designs, and if they seemed formidable would he not feel inclined to keep any high or vantage ground he occupied—not to desert his shield or sword—much less for purposes of conciliation present them to the stranger, and prostrate himself in token of friendly submission at his feet!—his rule then was *caution*, and plainly the two great points of interest to him would be the *power* and the *disposition* of the man; or how far he was able and how far willing to do mischief.

In Ireland, my Lord, two such individuals are found, the Protestant and Roman Catholic communities—Neutrals at present, I consider as non-entities—the Protestant body is in possession of the ascendancy—a part indeed, an all-important part, of its armour it has already surrendered—the elective

franchise—but still 'tis in possession of the shield and helmet, the legislative, executive, and judicial powers—(as far at least as these functions of the state, have not been transferred to a newly-created body, and withdrawn from the hands in which the Constitution has placed them)—such defensive armour we still possess, handed to us by an ancestry whose skill in matters of law and politics is superior to praise or imitation, and whose established Constitution—in defiance of rebellions, wars, foreign or domestic foes—has made Britain to be the Queen of nations! Before, then we give up these inherited defences, and make a vital change in an illustrious Constitution—which we are bound by every tie of interest and honor to transmit unimpaired to posterity—should we not at least cautiously make inquiry, first, respecting the power, and secondly, respecting the disposition, that moves and governs the Roman Catholic Body.

These two points I take to be the most essential of all connected with "the question" and yet they are not the oftenest examined nor the best known, plainly they can only be known, by ascertaining what *that* is which gives to the body its *objects, union, and name*—by ascertaining in fact what Romanism is, or its system of Church polity, and discipline, and doctrine—yet these are matters, as I said, but rarely inquired into, thought to be things *merely ecclesiastical*, fit only for divines and pedants, and respecting them accordingly most modern politicians, whether occupying seats in the Imperial Legislature or deliberating in a more humble sphere, express an absolute indifference if not a sovereign contempt. First, then, let us look to the power of the Romish body.

The power, my Lord, of any community may be learned at once from an old fable—in one word, it is union, or combination ; an army, we know, of 100 men might disperse 100,000—and in civil matters, though the disproportion be not at all so great,yet the least experience will prove the overwhelming power of an extensive indivisible combination—over which suppose there presides an able Governor, and the whole plan of which presents, like the military plan, a system of graduated and well adjusted subordination, every part being simply governed by the law of obedience to its superior.

The consideration of the efficacy and the existence of such a combniation is, I think, a matter worthy of present attention; and in this I am glad to find myself agree with the noble lord now holding the helm of the state, who in Parliament, last Session, imputed the troubles of Ireland to the remarkable combination, now existing in the country—a view which I shall endeavour to open and pursue—and, as philosophy requires a *successive* investigation of causes, I shall try to investigate the *source* and *principle* of that combination; and mark, Gentlemen, particularly that, should that source and principle be permanent or be allowed to remain, the danger is permanent and will remain—in that case, even for the combination to cease in point of fact is nothing ; it is but a passing and a returning phenomenon ; 'tis as if a thunder cloud should roll away, and yet the electric fluid still

overcharge the air, and the principle of new clouds and combinations exist undiminished.

How far then, the principle of dangerous combination may peculiarly belong to Romanism we are now to inquire, and for distinctness let us look first to the ecclesiastical department, and then to the lay-population. Pope Hildebrand my Lord—perhaps the most cunning statesman and imperious tyrant the world ever saw—was the first that usurped, and traced for his successors, the way to supreme dominion over his brethren the Christian Clergy. Having possessed himself by a train of wily policy of the powers of episcopal consecration and investiture, he saw that these enabled him to impose on all Bishops and their dependent Clergy—who should afterward be promoted—ANY CONDITIONS HE PLEASED; and then all his schemes of spiritual domination went on quietly: the canon of celibacy was but a step—the great move was an oath of fealty imposed on Christian Bishops—an oath which, with those of Priests and Regulars and some useful doctrines, &c. for the Laity, forms the pillars on which the whole system of Romish Church militancy mainly rests.

The oath of a Roman Catholic Bishop is indeed, my Lord, very admirable! if you were to sit down, and frame one to secure all things possibly desirable, you could not perhaps add a single clause to those of the wily Hildebrand. Thus—by the strongest tie ever yet invented to bind human conscience—it binds a Christian Bishop as far as his ability reaches, first, to keep secret all secrets entrusted to him—secondly, to prevent and communicate any pernicious design—thirdly, to defend the royalties of Peter—one of which royalties is the kingdom of Ireland! fourthly, to increase the Pope's privileges and authority—and lastly to obey all Apostolic decrees and commands. (It was, I suppose, owing to the first of these items that this oath itself was kept a profound secret *even from the Romish Priesthood* for centuries, and that perhaps other important *secrets* still remain unknown to us!) There are other clauses too of less importance, for which I must refer you to the oath itself.—Thus being himself away from the field of action, this able statesman saw that the clause of mere obedience was by no means enough (for much liberty must be left to local and confidential officers,) but what more could any man contrive or desire, than to bind his sworn vassals—who are yet far the most influential men in our or any land—to energetic devotedness—offensive and defensive—to confidential secrecy, and to the office of spying out and communicating all things useful!

This oath however, with all its clauses, is not the only security for the good behaviour of *Irish* Prelates and their dependent Clergy; Popes have also in their hands the two important supplements of reward and punishment. Thus, in this country all patronage to places of chief rank is *in* the Pope—he appoints to Bishoprics, Deaneries, and to the chief posts in the Regular system—and seeing this, no doubt, many a holy Priest and zealous Bishop or ambitious Friar is induced

with the laudable view of self-promotion, to add wings to his exertions—to preach a sermon, write an essay, or publish a convincing pastoral, which shall denounce all reason or judgment, enjoin the most blind obedience, and uphold all the high doctrines! And then as to punishment, beside admonition and minor censures—in cases of plain violation of oath, or contumacious opposition to the interests of Rome—or to what it should call the interests of religion—to use a Pope's own language, he can "strike with the edge of an excommunication"—a weapon, my Lord, very sharp and cutting, and not often permitted to grow rusty in its scabbard, but drawn sometimes against the highest dignities—Thus, in the Gallican Church no less than one hundred Bishops were excommunicated at once, and in our history five Bishops at a time were smitten by a Papal legate—Now Priests and Bishops have always taught that, as Bishop Doyle says, "communion with the Pope is essential to Catholicity" and that out of Catholicity there is no salvation—such at least is the *rule*, though there may be fencing about possible exceptions—(indeed if an anathema be added, it *sentences* in express terms "to eternal fire with the Devil and his angels")—excommunication therefore is very formidable; it would separate Priest or Bishop from absolution and Church sacraments, and what is worse, suspend their jurisdiction, and all their episcopal or priestly ministrations.

If we now look a little lower, we shall find that the order of Priests did not escape notice; for that order, indeed, direct superintendence was partly unnecessary—the Priesthood being completely *under* the Bishops, by them ordained, priested, promoted, and in various ways controuled and rewarded—however, there seemed to be no supererogation in devising for Priests also an oath, and accordingly that which they are forced to take, swears obedience to the Pope, the LORD'S VICAR!—It swears too an undoubting reception of *all things* defined and declared by the canons and General Councils—a collection of which councils I have seen in several volumes folio! and that, moreover, out of THIS Catholic faith there is no salvation.

Now upon this oath and the former, a remark may not be amiss—first, that Bishops are *doubly* bound, having formerly taken the oath of Priest or Regular—next, that the exclusive interpretation of oaths as well as of the Bible belongs to the Roman Court—whatever it states to be the sense is the undoubted sense!—thus for instance, Priests are bound to maintain the important signification attached to the character of "Vicar" or visible representative.—and a third is, that if the Pope or his Cabinet wanted, which indeed they scarcely can, a better oath, all they have to do is to order it; in the twinkling of an eye 'tis done by saying merely "be it so"—while the British Government could not by its direct authority dictate an oath of allegiance to its Romish subjects, nor was it able to obtain one after endless years of negociation, until the very form and words of the oath, "which alone would be allowed," and "which

his children of Great Britain might take with a safe conscience," were drawn out and dictated by the Papal Government.—Here then, my Lord, we see as it were an adamantine chain of motive and moral obligation, that hangs from the Papal throne, and that binds permanently the whole body of Secular Clergy from Metropolitan down to Curate—something like the imagination in Homer, of a chain let down from heaven, and holding all inferior deities, who, though beings of power and weight, are yet wheeled to every extremity of heaven by the swing of the omnipotent Jupiter!!

So far we have considered the Secular Clergy; but there is another very dangerous body in the land, one to which as yet sufficient attention has not been paid—nor has that body been once considered in any of the securities connected with what is called qualified emancipation—I called it particularly dangerous, for its Members are generally more select than Seculars, and more united; residing in the same house (in which is their library and club-room) and thus having more the character of conspirators, and illuminati!—They are called Regular Clergy—a name which embraces a vast number of orders, distinguished by various and picturesque names—and as the Pope might create new orders *ad libitum*, and send, too, by a word communicated through their General, whole corporations *upon a mission* into Ireland, there is no knowing what flights of these Reverend Gentlemen may one day come to perch or pounce upon us—Some of these, the Jesuits for instance, have been expelled from different European nations forself-preservation, but in this intolerant country there is no law against them—in fact the children of the Roman Catholic Aristocracy, are this moment chiefly educated, at the two large establishments of Clongowes and Stoneyhurst, by Jesuits!!—here then they may settle and emigrate, my Lord, in numbers unlimited; indeed various orders, Jesuits, Dominicans, Carmelites, &c. are settled, and seem to be gradually creeping into the country, building and purchasing, as we see, in many places—with what fund no man can tell!—it is a curious matter, and one that is veiled in a mysterious obscurity.

All these Regulars, of course, are properly secured. By their obligations of celibacy, and vow of individual poverty, they are freed from all strong ties of interest or sympathy with the country they inhabit—and then comes in, as usual, the vow of obedience—of unqualified obedience—to their general! This general, or head of the order, is thus, you see, a man of weight, and deserves the attention of "the See"; and accordingly it is not inattentive to him: he is appointed by the Pope—is himself sworn to obedience—he is bound to reside at Rome under the eye of the Roman court—there his letters are sent—and if he evince a holy zeal for the exaltation of the Church, and eradication of heresy, they know how to honor and reward him—or if suspected of trea-

chery, castigation is at hand—But even Regulars do not complete the enumeration—I might add Nuns too, and female orders well disciplined, to whom the education of females—a most important engine of policy—is a good deal committed; and lay orders too—sodalities, fraternities, confraternities, &c.—a kind of whippers-in to the clerical company! all of them bound by appropriate vows. In every diocese, too, as we are informed by Dr. Phelan—who has amassed such valuable information on this whole subject, and to whom eminently I am delighted to acknowledge my own large debts of pleasure and instruction—there is a mysterious class of legal personages called "Apostolic Notaries;" and they are sworn to defend the royalties of Peter.

Here then is an ecclesiastical combination of many thousands, properly subordinated, and over them a foreign power, having, (by the united influences of education, reward, punishment, and moral obligation,) far more despotic sway than ever Field Marshal had—a large compacted body, governed and moved by a will, of which all I shall say at present is, that it is *not* the will of the State, and that its aim is not the interest of Great Britain.

But hitherto we have only mentioned the officers of the ecclesiastical army, to ascertain the number or spirit of the soldiery, we must ascertain the influence of the clerical combination upon the lay "subjects," as they are properly called—Now I will not assert that this influence is universal, or all-commanding. The Roman Catholic Aristocracy, no doubt, and educated men, who are not prepared to surrender all reason or judgment, are manifestly not so liable to priestly influence—They have, indeed, a great temptation to consider the priesthood but a useful department of state machinery, and Christianity itself but a pious fraud, since that priesthood proves to them the truth of Christianity precisely as Turkish or Chinese priests might verify the religion of Mahomet or Confucius—Yet even they too, have the prejudices of education, and the prejudices of inheritance; they are born with the name of Roman Catholic, and belong naturally to the party which that name associates; they like, too, local influence and political weight, which in this country can scarcely be had except by union or party; and thus they always, as we see, predominantly join in the throng with more pious devotees—But whatever be the principle or extent of obedience amongst the aristocracy, amongst nine-tenths at least of the general population, clerical authority is absolutely predominant and overwhelming—I shall not allude to passing facts—to recent elections, for instance, (which in my opinion have saved the country, by seasonably informing it)— but, as before, confine myself to the necessary and unalterable *sources* of this authority.

Over education, then, priests have always to exercise a superintendance; they inspect schools, and can introduce a *good* book or expel a *bad* one; they have catechisms too, in which they expound and cross-examine; and missals and breviaries well worth your inspection; and in this way the doctrines they

like the best are so deeply impressed, and interwoven with all the early sentiments of youth, that scarcely any degree of mental or moral exertion can afterwards disengage them. The doctrines most popular are doubtless that cluster of doctrines, of which no trace is to be found in Scripture, or in any early Father, and for which the evidence is oral tradition, or the *ipse dixit* of the Roman See—they are popular, for it is a remarkable character of these novel doctrines, that perhaps every one of them is calculated to uphold Church authority, and to impose a slavish obedience upon the lay "subjects."—Indeed—without descending into minute examination—the concerns of futurity, the interests of an immortal soul, and terrors of perdition, even in an indistinct and general view, when once a temporal principle can be engrafted on them, such as exalt the Church, depress its enemies, must evidently have a paramount influence over all the transactions of mortality with submissive believers.

But there are particular doctrines and disciplines, upon which priests can dwell with emphatic advantage. Thus, one most comprehensive and dominant article of belief is always taught, one which, as the celebrated Dr. Milner intimates, every untutored peasant in the land receives, and which, it seems, can make a true believer of him—by what is called "implicit faith,"—though he were not to know a single iota about Christianity! that strange article is this: "I believe all that the holy Church requires me to believe."—A plan of implicit faith, Gentlemen, which has always reminded me of the plan of evidence of a witness, who, when asked in some legal process what he could swear, said, "I'll swear all that my landlord swore." Thus testifying all things desirable at once, by what Dr. Milner would call "comprehensive" and "implicit evidence!!" For a miracle, again, that far surpasses all the performances of eastern Magi, there is transubstantiation—Look again to the commanding authority assumed and acknowledged in Auricular Confession, in Penance, Absolution, Extreme Unction, as they are taught in the Roman Church. All these are important matters, which *they* only can sufficiently know, who know the details of Romish faith and discipline—and these are not the only points, connected with emancipation, in which statesmen might derive assistance from well-informed divines—I do not wish on this occasion to dwell largely on them, but how, my Lord, can the mass of believers once doubt the unspeakable value of Church sacraments, or the indispensibleness of all priestly ministrations, when these matters are deeply *engraven* upon them from infancy, and engraven too by priests themselves?—Purgatory, indeed, may deserve distinct notice as an invaluable imagination—for out of that horrible place you can rescue your friends or family only through the intercessions of the Church, intercessions which the Church will not make gratis—they are offered only *on conditions*.—Indulgences too are a distinguished source of influence—they grant remission of sins to the penitent, but not unless he add to his repentance some one *condition*, that is arbitrary and

pleasing to the distributor.— Thus to the Crusaders Indulgences were given for military achievement, afterward for gold—and thence chiefly sprang the Reformation—Afterwards for exterminating heretics, and now in this country a very usual condition is that of frequent and fervent prayer repeated so many times, for "the exaltation of the Holy Church, and the extirpation of heresy"—This very power of ordering prayer, without permission of the state, I take to be a dangerous political engine.—When millions are collected in different chapels through the land, the Priests can prostrate their respective congregations by a word, and make them in that impressive attitude, with uplifted hand and eye, express any sentiment desired.—It was a Dr. Coppinger, I think, that composed a prayer lately for the simultaneous meetings, and whether in such occasional prayers they speak plain English, or whether we are shielded by unintelligible Latin, I am not able to say.

All this,then, partly shews you the *source*, as you have often seen instances, of Church influence upon the lay population—You see education, ordinances, liturgies, catechisms, disciplines, all religious instruments, and spiritual artillery, in full play—and the whole view, embracing laity and clergy, may partly establish and derive from the peculiarities of Romish polity and doctrine, a system of close and formidable combination, (well illustrated by the "simultaneous meetings" assembled on Sundays, and by the universal "organization" so graphically described by an eloquent Association orator) —a system of combination, I say, for carrying any grand point that may be useful to a foreign and a hostile government!!—In that system you have seen the monastic, priestly, and episcopal orders all invincibly secured and sworn to promote, energetically, the power and interests of Rome— and the laity, not indeed so strongly or universally bound, but still combined to a degree, and by an influence, that is fearfully extensive— You thus see, in part, the wheelwork of Romish machinery; the main-spring, indeed, is not so visible, while local bishops and priests, and still more, their instruments, are seen in full motion, taking their rounds with a mischievous and apparently self-originated activity; still all are held fast and fettered, and are moved mainly by one common object.—It is the name and exaltation of Rome that is the primum mobile, the principle of union, and of all general motion! It acts, in fact, upon the combination as gravitation acts upon the earth, allowing waves to traverse the ocean, winds to blow, and all the peaceful or fiery elements to exert their several activities, while still it maintains all the busy atoms in sufficient union, and guides them in their proper course

But, Gentlemen, we have accomplished two things at once, for in ascertaining the power, we have ascertained the disposition that moves and governs the whole combination. And mark particularly, that we are only concerned with the disposition of *the government*; as for the "subjects," a submissive obedience and blind guidance, (or in some cases, mere consent

and initiation) will carry them on thoughtlessly with the mass, and down the current; but just as for the general movements of an army, or the "foreign affairs" of Turkey, you have to look to the Sultan or the General, so here we have only to look to the Generalissimo, or his Staff, the government of the whole body. Now of the Papal Government, the sentiments have been already proved to you—they are indeed recorded, and are open for universal inspection—sentiments which may be compressed into two connected principles, exalt the Church, and depress its enemies; or, as the formula has it, extirpate heresy.—Indeed, if any court or ministry have the uncontrouled government of a subordinated body, as some one says in Hamlet, it requires "no ghost from the grave to tell us," that self-interest will be the secret of its managements.—But if you wish for other proofs, you may find them in the priest's oath—that maintains the canons, the vicarship and exclusive salvation—you may find them in the bishops' oath—not forgetting a clause but very lately omitted, and which I shall not venture to translate—"*Heereses*" &c. "*persequar et impugnabo*"—a clause lately omitted for Irish bishops, on a petition intimating that it was an impediment to the exaltation of the Church in this country, but one that had been retained here for centuries, and is still retained elsewhere, and is thus good evidence for the "*animus imponentis*"—Look too, to the prayers I have quoted, and if you have inclination, to the dreadful canons of slavery and persecution, which still form a part of the *unalterable* Roman law—and to the terrific enforcements lastly, of these canons, which stain the annals of former times, and, even now, of countries in which Romanism controuls the legislature, over which matters I willingly throw a veil. Connect then the governing will with the power of the combination lay and clerical, that tries to give effect to that will, and you have a view—though from this description not near so decisive as the case would warrant—of the Romish system; one which, I am sorry to say, to my judgment contains within it the elements of danger and of national degradation as essentially, as an acorn contains the elements of an oak! elements which will be sure one day to appear, although an unfriendly soil like this might retard the progress of the branches and the foliage.

Ever then, since that system, planned by Hildebrand, and for ever unalterable, *except the civil authority interpose*—that system, I say, of canon law, of doctrine, and polity, has existed—the source of dangerous combination against freedom of conscience, and of action, has existed—and in all times and countries, its' unhappy effects do exist, more or less, in *proportion* to the extent of Romanism and to its power over the Legislature, or Ruling Magistrate. A principle of combination, my Lord, always dangerous to civil and religious liberty, waiting but for a leader, or an opportunity to start into physical existence, and restrained only from direct assault by the fear of inconvenient resistance.

Let us see, however, more distinctly in what way the spiritual part of this Combination can introduce itself into civil concerns? The way, my Lord, is very simple: Briefly it can reward or punish men greatly *for any thing it pleases*. It can do what it has endlessly done, and will do whenever circumstances advise it, refuse sacraments, grant various spiritual benefits, decree sentences, denounce Church censures for *whatever* as I said, *it pleases*—particularly if it call it a matter of conscience or religion—*and whenever it sees it expedient*—and in this way oblige all, who value these privileges or dread these censures—Lords, Legislators, Magistrates, and all classes of subjects, spiritual or temporal, in or out of authority—to employ their several energies, influences, and powers, to exalt the Church, subdue heresy, assault civil liberty, and promote any of its views in gross or in detail! —But no doubt you wish to see proofs, at this moment, and in this country, of church power, and ecclesiastical interference! You shall see them, my Lord, at once; and how much do I say in a breath, and perhaps indeed surprise you, when I name as proofs all the proceedings and influences of the Catholic Association!!

It deserves, indeed, to be often repeated, and it never should be forgotten that this Association is the creature, and instrument of the Romish clergy, and more immediately of their supreme directors and managers, the Bishops, as these again—both Bishops and Clergy—are of the Roman Court—that its powers and privileges are gifts and grants—powers and privileges, by permission or delegation! No doubt, like other free creatures, the Association is permitted to exercise its liberties to a large extent and within a wide range, restrained only by the inclosure of a few general rules or plans—but this obviously does not prevent its being, first, the creature, and next the instrument—whenever its instrumentality is wanting—of the Prelacy or Clergy—and the motive for the mutual connection, which I shall prove to exist, of patronage on the one hand, and active service on the other, is this:—The leaders know that they can't at all 'get on'—gain fame and influence or cause agitation—without the Priests and pulpits; the Bishops again and Clergy require some speaking trumpet and engine of perpetual motion—for exalting the Church and upsetting all free and heretical institutions—without such a show of immediate interference, as might open men's eyes, or provoke hostility. Now then the Association is, as we see, openly supported by the Episcopal bench, with them go the whole body of Priests and Curates, and with them again, the immense mass of population, that can be moved by their several influences. Hence, chapels are lent to the Association, its Missionaries harangue from altars one addresses a mob, as I am told, bearing in his hand, a Crucifix, and another prostrates himself in the street before a Reverend Father—the rent, in the mean time is collected by Priests, sermons are preached, and private advice given, votes are secured, and simultaneous meetings assembled.

On the other hand, should the Irish hierarchy once change its

mind, find the Association disobedient, and assert that it opposed the interests of religion'- You will I know find it hard, at first, to reconcile this case, for how you ask by possibility, can the views of these two parties clash? not easily I own, I shall try, however, to make the supposition intelligible to you: suppose it then possible, that the Association should, for the sake of liberty and their country, generously risk, or rather sacrifice all the social and electioneering influence, popularity, &c. that is now conceded to them—and dare to touch upon a matter, directly affecting the bishops or their dependent clergy—suppose for example, they should do—what would do far more for their civil and religious emancipation than all the 'agitation' they have caused—petition the Government, namely, to take the nomination to Romish Bishoprics, and to pass a law—prohibiting the unconstitutional oaths of Bishop, Priest or Friar, and permitting only such an oath or subscription, as should retain the whole body of Roman Catholic faith, and remove only a system of wily and worldly policy, that is ingrafted or stitched upon it; thus sufficiently securing all points of doctrine, while it made security also for civil liberty and public safety—should they I say, act thus!—then I think and hold that almost in a single week, perhaps before another meeting of the Association, it would be a lifeless and powerless body—And the plan for effecting this is very simple: let each Bishop but write his Pastoral, and order it to be read by every Priest of the diocese in chapel on the following Sunday, to be backed moreover by pulpits, confessionals, &c. as long as might be necessary—or let a National council of the Bishops issue a general proclamation to be read and inforced in the same way all together denouncing as enemies to religion the society of the Corn Exchange- denouncing moreover, its contributors and supporters—and what I ask would become at once of this independent and omnipotent Association?!!—

No doubt a few of the Gentry would, for a time, continue their subscriptions, thinking it might still retain a weight in election politics; but the "rent" would be soon withdrawn when once they found the Association missionary, with his candidate, on one side, and ranged against him a phalanx of Priests and pious freeholders, denouncing the missionary and his protegée as enemies to their church and country.

Within twenty years indeed an experiment was tried, somewhat like to this, though not employing measures so decisive—and I am glad to remember, seasonably, a document, quoted by Dr. Phelan In 1810 when some securities were in question, which looked, as the only real securities must do, to the ecclesiastical system of Romanism—an episcopal Council met and addressed a letter, (bearing on its front a sign of the cross) to the Roman Catholic clergy and laity of Ireland, containing resolutions which, they say, are on points of Roman Catholic religion and doctrine" —one of these resolutions states, that the oath of allegiance is the *only* security not conflicting with conscience, or causing Catholic degradation—

and another—that the "Bishops alone without any lay intervention, are to judge on points of general discipline, by which the universal Church is connected into one mind and one body as the body of Christ" (so that it would seem all plans of combination are to be left exclusively to the judgment of bishops).—And the fact is notorious—that now no Roman Catholic utters a breath respecting securities of THAT (or indeed of any) kind—I by no means propose this as a sufficient example of Episcopal power—Still connect for a moment these facts—first, that the oath of allegiance was after much delay and difficulty, a concession or dictation from Rome—next that a synod decrees that no other security is to be allowed—and that on securities, particularly, connected with discipline (or combination) laymen have no right at all to judge—and lastly that these decrees are observed, and this connection may partly shew you which has hitherto the greatest power *even in granting securities to our established institutions* the papal Government and overwhelming spiritual combination, or the legislature of Great Britain.

Be it then, my Lord, a recorded principle that no Roman Catholic body in this land, have political weight, unless in vital matters—(which, though all important are but few, and hence the rare Legislation of the spiritual Government) unless I say, on these matters, it support the views directly of the Romish Bishops or Clergy and ultimately of their masters; and indubitable, accordingly, was the remark of Bishop Doyle, that the Roman Catholic Aristocracy in this country "ceased to wield the public mind" when they desired emancipation, with certain qualifications disapproved by the Bishops; or, as he says, "at the expense of what the Priesthood and the other classes deemed the interests, if not the principles of their religion" the inferior classes obviously looking to the Priesthood, and the Priests again to their superiors as the proper guardians and final judges of these interests.

And thus we see how the influence of a formidable government is spread and breathed over our population, and how the Æolus at Rome I might say can blow his blasts of hurricane or Simoom, through proper conductors, upon every little village almost, or cottage, in Christendom! In Ireland, the prime conductors are the Bishops and the Leaders—and the plan virtually taken, for superintending the agitations of the country, is this—the papal cabinet say to the Irish bishops "reverend sons, we have in your oath and character, security that your aim will be ever to promote our interests by all ways and means possible—of these ways and means you are the best judges, you are on the spot and know circumstances—Proceed therefore; write regularly an account of your proceedings, and consult us seasonably on all important matters"—The Bishops again say to the Leaders—"Gentlemen, you manage the Association very respectably; the publication of your speeches and proceedings weekly, and the agitation it excites, are of vast advantage to the Church and Catholic cause;—It is useful also to yourselves; it gives you influence—fame—for-

time—You can now return eighty members to Parliament, and in this election matter; even, we shall not immediately interfere; take, for the present at least, the nomination and selection of the candidates, and restrain them by proper pledges—we know in a word your views, character, political judgment and religious principle, and you know the matters which we alone can judge, and the settled limits you can never pass—our views then are identified, and all details of a minor character, and ordinary proceedings, must clearly be left to you—remember, however, that these advantages are granted only *under condition* that you still proceed our promoting the interests of your church and religion—if it be otherwise—you shall be denounced at once and new Leaders and a new Association be set up by us" !!

Thus then, strictly speaking, the fountain of all the authority that combines and agitates the country is the Roman Court, but to subordinate and local instruments, or aid-de-camps, for its own sake, many lands and powers must be granted. It must leave the bishops much of liberty and influence—and they must leave the leaders much of liberty and influence—each superior power, but little obstructing the general proceedings of the inferior, exercising only a constant surveillance; and interposing an occasional check or regulation.

But in answer to *all this*, good-natured people simply tell us, that they love quietness, and they hope if emancipation once pass, the country may be restored to peace and the matter be 'settled!' Quod volumus facile credimus. Still before men act upon mere wishes, they should consider whether they can reasonably calculate upon the happy result. Are you then sure, my Lord, quite sure, that unqualified emancipation will not be the signal for increased agitation? that the *great* troubles of the nation will not begin with Roman Catholic admission to the legislative function, if other matters remain. Look to analogy. Hitherto then, confessedly, the claims of Roman Catholics have always advanced—every privilege conceded has been made but a step, on which they stand, and try to reach higher—Why then now stop—why stop if any thing further or higher seem desirable—why stop, till they wield, if possible, all the powers of the country?—or is it indeed in expectation of no very important change that the Priests, &c. are now so actively interested? or have not *they* indeed ever, or the Leaders declared openly, that ulterior measures are the grand aim!

But, my Lord, more particularly, if emancipation pass—while the Bishops and Priests still remain feudal vassals to a foreign directory, and while the state of the elective franchise converts their spiritual influence into constitutional power——tell me, what is possibly to prevent the existence of the Catholic Association!?—its speeches—its rent too—and seeing that Ireland has been always esteemed the strong-hold—"the island of saints"—with the loss of which Popery is itself to decline and fall, and by which and Britain's navy it may yet be wafted triumphant.

.ly to every extremity of the earth! why not add a re-inforcement of rent (*remitted from Rome and raised from the whole world of Papal Christendom,*) for extending Romish influence over our Legislature, purchasing boroughs at any price, and giving command of all the sinews of war! What is to prevent, I say, all its present proceedings and influences? It is a question worthy of an answer and a pause!—What to prevent Association Missionaries, backed by Priests, from still capturing votes at each election, turning out from every county the Protestant member, and putting a Roman Catholic in his place, and in that way sending, perhaps, eighty Roman Catholics to Parliament!?——What to prevent the unconstitutional imposition of *pledges* by this church—combination and the introduction of such new pledges, as the concordat between the Hierarchy and the Association, from time to time, may recommend?—

Gentlemen, I can see no conceivable end to these pledges; if not seasonably checked, they may soon reach to a length overturning all the principles, and upsetting all the freedom, of Legislation itself!! For instance, Radical Reform is a pledge. Why not make it a pledge, that every benefice or see of the Established Church, when vacated, should be filled by a Roman Catholic churchman?—of which single measure the result would be the overthrow of the only bulwark against the unceasing encroachment and the (no doubt, remote, but still ultimately possible,) establishment of civil and spiritual despotism even in GreatBritain!—according to us, and—according to the sworn opinion of Mr. Blake, an education-commissioner, and himself a Roman Catholic, the result would be —inevitable "danger to all our general securities for liberty, property and order, and to all the blessings we derive from a lawful government, and a free constitution." Why not pledge them, again, to vote for the extinction of the City of Dublin Corporation?—whose late proceeding doubtless the Hon. Member for Dublin will admit, is beyond all patience—of Trinity College too, or any other Corporation that may be offensive to them?——Why not to make different formidable canons of the Romish Church, or Court, to which I have alluded, laws of the realm?—to extinguish the Kildare-place Society, and establish some system of national education, entirely on Roman Catholic principles, and enforcing all the rules of the "Index Expurgatorius"—to repeal the Union—to repeal the Sub-letting Act—to free the town of Galway—to new model the House of Lords or Peerage—to extinguish boroughs, if not to assist in obtaining them—in fact Gentlemen, there is no conceivable end to these pledges!! Any measure be it great or small, may be inserted in the list; there may even—more than all that I have said—be a pledge to secure the parliamentary union of these eighty members, and their submission to appointed chiefs or leaders, and a pledge obliging them to oppose the Government, *in every measure*, to stop the supplies, and thus control the other powers of the State, till the subject of every newly invented pledge be successively conceded!!—

Here, then, my Lord, we see eighty Members of Parliament virtually returned or allowed to be returned--by a small body of men, whose oath, I hope, you remember by men who have comparatively no interest in their country's welfare---and who are predominantly guided by the interests or commands of a foreign government— hostile to civil and religious liberty, and hostile to Great Britain! Yet to this hierarchy, with its dependent clergy and its accredited civil agent or plenipotentiary, these eighty Parliamentary Members owe their seats—they are turned out at its pleasure—are bound by pledges of its dictation, and are united as a phalanx on every measure that concerns the interests or wishes of their masters. The leader again of these creatures is far the most powerful man in the House of Commons; by only passing from this side of the House to that, he can make a difference on any question proposed of one hundred and sixty votes!

If joined to any respectable opposition he can impede all the functions of Government, and turn out, in fact, any ministry by a judicious plan of watching opportunity and of seasonable surprises—joined to the Whigs he can turn out the Tories—and then, as his pledge requires, he must join the Tories, and turn out the Whigs; thus making a football of the British State!! - or if permitted to become a Cabinet Minister, still, in the Cabinet his influence and office are retained, only by retaining his followers, and these he retains only through permission of the Romish Clergy---He must therefore still proceed in the same course, exercise, no doubt satisfactorily, his Ministerial patronage in the Church of England, still shew his old respect for the pledges, and for ever, in fact, disturb the House, the government, and the country, by successive measures and motions of Romish suggestion. And what should a new king arise, or heir apparent, and become a convert—by the influence of this Jesuit-Minister, or of some Romish episcopal peer, now one of the high Lords Spiritual, and having free access to Majesty—can we even present predict or follow all the awful consequences of such a possibility

So much then for the plans of tranquillising the country, and of settling the question!!! So much for the argument that we have conceived, [illegible] an argument more like the principle of a cunning card-playing gambler, than of a sage legislator or patriotic statesman. For what must, my Lord, this be but one principle to act at all times for the good of the country, and as that principle directs, he must on either hand go forward or backward. He must, I repeat, go any way, to which [illegible]

[illegible]

do, at times, bend into an intersection! But, my Lord, I neither like the Mathematics of these gentlemen, nor their Politico Theology. Parallelism we see, can mean continual intersection—alliance—open war—and the equality, as I shall now prove, is a great disproportion—for see how unequal the government of the country has always shewn itself in conflict with the Romish clergy, *even when backed by a Protestant Constitution!* Respecting the oath of allegiance, the Government was put down; respecting the nomination of Romish Bishops, it is put down—our Government had it, the exiled Royal Family kept it, Rome then usurped it, without a shadow of claim, at the death of the Pretender, and holds it since, and our Government has not the spirit to take it—respecting the securities too, as we have seen, the Bishops gained another triumph—a mere instrument again of the Roman court, or of its local representatives, as the member for Derry tells us, is in all matters far superior to our Government.—That Association could be extinguished in a week, as I have proved, if on a vital point offensive to the Romish bench of Bishops, and cannot be touched by the Imperial Legislature.—Seventy or eighty Irish Members of Parliament the Roman Catholic Church can indirectly appoint, and the Government cannot perhaps appoint ten—and now it claims that these seventy or eighty creatures of its own, should be Roman Catholics, and should piously legislate for our Church and State, while the State is not to exercise the least control over any of its concerns—It aims too, confessedly, at the translation of the Established Church rank and property to itself, while the Pope is to retain directly all episcopal patronage, and indirectly all inferior patronage, that is (not to look to other and far more important consequences) it modestly claims a recognition by our State of Papal Peerages and other titles of honor—and a donation, moreover, from our's to a foreign Government, equal to the entire property of the Established Church, and this without any proposed equivalent!!!—So much for the alliance and equality of the State and the Romish Church.

I have now shewn you, Gentlemen, three links by which our Imperial Legislature itself is chained to a foreign power. The first connects the Papal Cabinet with the Irish Roman Catholic Clergy—the next binds the Laity to that Clergy—and the third binds the Commons to that Laity—Some of these links must be weakened or broken, otherwise our state loses its independence and we our liberty—If indeed it be sound doctrine, that for national independence and individual freedom, the ruling powers of a state, should be mainly free from the control of a foreign Court, and a despotic system. The centre of these links, can perhaps only be touched indirectly—by education and not law—but the other two may more directly, (particularly if the State will legislate about concessions and securities, and not *negociate* about them!)—thus may not all the present oaths of Bishop, Priest, and Regular, be abolished, and the nomination of Roman Bishops be reassumed, and an Act passed to prevent the intrusion of Jesuits,

&c.?--(for why should they invade us?—have they not congenial souls enough in Italy or Spain, where their church system, too, is not constrained to *wear a mask* *) These small matters are the best of all securities; and if they are secured, more than half my difficulties vanish at once.—(As to the proposed *Veto*, or the privilege of rejecting two in three, it is absolutely worthless) The apparent difficulty in these things, is not insuperable—the worst is for Rome to resist or refuse consecration—in which case there are various modes of proceeding.—And as to the third link, that connects the Legislature with its subjects—why not new-model the elective franchise? (for in it lies the root of the evil)—And make the pledges, and the application of 'the rent' or a national stock purse to election purposes, as illegal as they are unconstitutional?—and for the suppression of any society, dangerous to the state, might not a power be granted to the local Government for a limited time, to countermand or disperse any *such* meeting—a discretion lodged in safe hands, being in times of public commotion, a more effectual and constitutional remedy, than a law; which having to describe by *generals*, must infringe upon the liberties of the wise and good, while it cannot restrain the extravagancies of the turbulent. Other measures, too, there are, needless now to mention, which might be carried, if the public safety requires, *independently*, and not be tacked as usual to the question of emancipation.

But, my Lord, that all the best measures will be adopted, we have a hope from the wisdom and firmness of our Prime Minister. Yet even he would generously excuse our fear—did we feel it that a spirit accustomed to difficulty and danger, might possibly feel strong temptation, to take a step bold and irretrievable; and the Legislature too will listen, complyingly, to our prayers, that it should not at last be tempted to get rid momentarily of a complaint never ending—and always acting on the principle that "importunity will do much."!—Let such prayers then, as this resolution recommends, be addressed to the legislature, let every *parish* if possible, in the United Kingdom, come forward, and their petitions almost fill the two houses so as to leave there an indelible impression and a standing record of national feeling!!—and if this be done, I promise that—as has always happened!—the sentiments of legislators, will undergo a great and a permanent change—in fact our great practical principle is this "if we do not support the legislature, it cannot protect us!"—it cannot protect us if our sentiments be smothered or unknown.

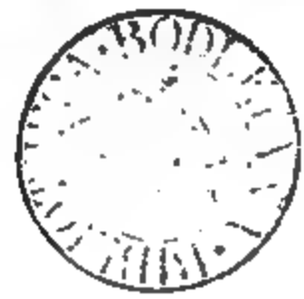
Let then, all classes of Protestants come forward, and act their part nobly—'tis unworthy of an honorable mind, to leave to others all the trouble, odium, or expence!—in a common cause, the exertion should be common and *individual*—And is not this, my Lord, a common cause?—the cause of freedom, civil and religious liberty, is an *universal* concern. Even liberal Roman Catholics should feel this, and resolutely refuse to lend themselves, to a plan of spiritual despotism, when once they see

its existence, and its aim—remembering the many sad experiences of men at first its instruments, and then its victims, and seeing too that the clergy, *whatever they might wish*, are prevented from openly attempting their liberty, by the very oaths, &c. that fetter them. They should suspect, too, a popular outcry—a thing easily raised when a well organized system has the ignorant, and bigotted, and discontented to play upon—as in Spain, that for the Inquisition, in Portugal against the Constitution, and here for unqualified Emancipation. But especially over and over again, I would say, let ENGLAND remember that this is her cause—that we have a common legislature, a united Church, a united Kingdom—let her then, if there be weight in any thing we have urged or might urge—and remark, all our arguments are *general*, scarcely a word said of Ireland peculiarly, all the great mischiefs must come from a legislature, common to the three countries!—Let her then, as I said, STAND UP in defence of the Constitution—let her freeholders assemble, like the brave men of Kent, and display to representatives the sentiments of those they serve; and thus the flame of civil and religious liberty will spread itself.

And why should not Brunswick Clubs too, for the present, arise there?—unless some better plan be found for uniting Nobles, Clergy, Yeomanry, and Gentry, in expression of sentiment, and defence of liberty, some better plan for—promoting petitions—preventing, as they have already largely done, the emigration of our scared and persecuted Protestant tenantry—interrupting that stillness and silence, which have been so long a triumph to our opponents, and even to our best friends a doubt, and dread, and misconstruction;—and shewing to the country the learning, talent, numbers, property—the pre-eminences of heart and head upon our side—shewing, in a word, WHAT WE FEEL and WHAT WE ARE!—I see, at this moment, no better plan for effecting all these things, and therefore I have joined them, and advise their formation: no doubt, against them, something may be said—but at this crisis they are so necessary, that *but for them* perhaps—within one small year, the Constitution might be sacrificed!—Let them then be formed in England. The mode of creating them, my Lord, is exceedingly simple. If two or three gentlemen, in every town, will appoint a time and place of meeting, and communicate the fact, some friends to the Constitution will attend. Whether they be few or many, let them form a Club, and name its officers, and before a week hundreds will flock to join them! And thus a Briareus will arise with a hundred arms in defence of liberty!—and his Stentorian voice will be heard by the country; and if that voice be clearly heard, then, in the worst possible case, there is still a hope and a remedy. A dissolution of Parliament might prevent a representative body from opposing the feelings, or sacrificing the interests of its constituency!

Meantime, while danger overhangs, let Brunswick Clubs continue, and disappear along with the danger; let them prove that their aim is to

support the Government—that their motives are not bigotry, nor monopoly, not any unchristian or unmanly spirit, but simply a love of liberty, and a well-grounded fear that it is in danger—let US especially, my friends, meet, unite, encourage and know each other—and contribute liberally—for I tell you, that, to carry on our objects, *liberal contribution is indispensible*; and lastly, let us adhere to our plans and principles—promulgate sound political doctrines—correct misrepresentations—awe outrageous violence—redress the victims of persecution—abstain from every thing of insult—from every thing of injury—exercise eminently the spirit of charity, especially to our Roman Catholic countrymen, and thus maintain the character which should peculiarly be ours—the illustrious characters of loyalty, of legality, and of universal benevolence.



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ADDRESSED TO

THE AGRICULTURAL COMMITTEE OF THE ROYAL DUBLIN SOCIETY.

ON

THE MANAGEMENT

OF

LANDED PROPERTY IN IRELAND;

THE CONSOLIDATION OF SMALL FARMS,

EMPLOYMENT OF THE POOR, Etc. Etc.

FOR WHICH THE GOLD MEDAL OF THE SOCIETY WAS AWARDED.

By WILLIAM BLACKER, Esq.

DUBLIN:

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PRINTER TO THE ROYAL DUBLIN SOCIETY.

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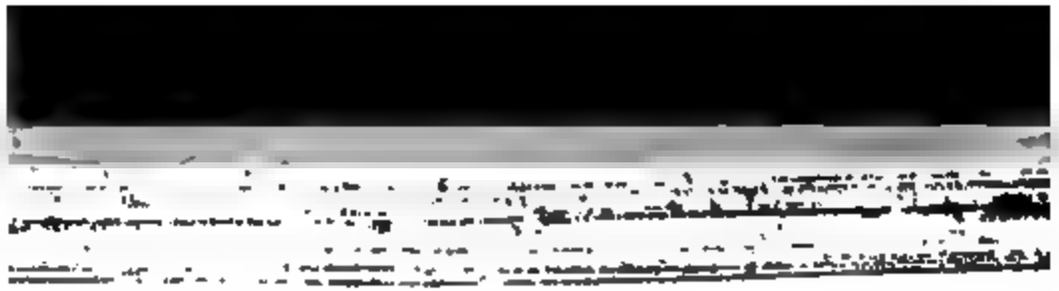

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ESSAY

ON THE

MANAGEMENT OF LANDED PROPERTY

IN IRELAND.

INTRODUCTION,

SHEWING THE BAD CONSEQUENCES ATTENDING THE INJUDICIOUS SELECTION OF THEIR AGENTS, BY GENTLEMEN OF LARGE LANDED PROPERTY.

THE embarrassments under which gentlemen of landed property in Ireland too generally labour, may, in most cases, be traced to the improper selection of their agents. Upon the holders of this important office most commonly devolves, not merely the management of the estates, but also of the private concerns of the owners. Too indolent to mind their own affairs, and too fond of pleasure and amusement to attend to the details of business, it might at least have been expected, that men of fortune would have been at some pains to select proper persons to attend to those matters, which they found it too irksome to attend to themselves, and that, being unwilling to take this burthen on their own shoulders, they would have felt the necessity of finding others properly qualified to relieve them from such important duties. But however reasonably such expectations might have been formed, the very contrary seems to have been the fact; and until of late years, the importance of the appointment, however apparent it might be, seems to have been almost universally overlooked, and without reference to any particular qualification or fitness for the

office, men have been too often chosen to fill it, from relationship or private regard, as little capable of attending to its details as their employers. Thus things being left to take their own course, it is not very difficult to understand, how that wasteful and expensive habits should arise, debts accumulate, creditors become clamorous, and finally, that the man of fortune, from being at first too indolent, should soon become *unwilling*, and at last *afraid*, to look into his affairs.

In this thoughtless and improvident course he is unfortunately not the only sufferer. Many honorable examples there may be of those, who, however distressed themselves, forbear to distress their tenantry. But this is not the usual course of things, and in general it must be expected, that the landlord, in embarrassment, will be driven for relief to high rents and harsh measures, under which all those of his tenants must suffer, except the few who may be able to take advantage of their landlord's distress, and procure for themselves beneficial bargains, by opportunely affording relief in some pressing emergency, or supplying the means of some desired indulgence. These contracts, however beneficial to the tenant, are not always of advantage to the estate. From *such transactions* most commonly arises that injurious class of persons denominated middle men, who, invested *thereby* with a temporary power over the soil, and unrestrained by those feelings which hereditary property is calculated to create, "whose own the sheep are not," oppress to the uttermost the wretched tenantry, whose unhappy lot it is to be brought under their control. But the relief thus obtained, and so dearly purchased, is rarely effectual, and arrears of interest and law expenses seldom fail to complete the embarrassments of the proprietor, and the sale of all or great part of his estates becomes inevitable.

Until within these few years past, the foregoing outline would form no exaggerated picture of the early career pursued by a large proportion of the nobility and gentry of Ireland, and in the South and West I fear examples very nearly

similar are yet to be met with. But repeated instances of the ruin thus brought on, have at length, in some degree, opened the eyes of the higher orders in society, and they appear to become daily more sensible, that being a relation unprovided for, or a private companion in their amusements, should not be the only recommendations required in an agent, and that their own safety and preservation mainly depend on placing their affairs under the direction of men of business, whose regular habits might introduce order into their accounts, and force upon themselves such an acquaintance with their own circumstances, as might preserve them from dangerous extravagance.

The good consequences arising from a prudent choice in this respect, made by some landlords, soon attracts the attention of others, and according as the management of the agent becomes more and more criticised, and his merits more appreciated, he is stimulated to increase his exertions, and to enlarge the sphere of his usefulness. Thus, they who at first may have thought only of restoring order in the accounts, regularity in the payments, and the liquidation of the arrears, are induced to extend their endeavours to promoting the welfare of the tenantry, and the increase of their comforts and independence, by exciting among them a spirit of industry, and bringing into notice, in their respective districts, such improvements in agriculture as may not have been generally practised, and securing their adoption by the exertion of that influence, which a respectable agent must always possess.

That a growing attention to these subjects on the part of *landlords* cannot fail to produce such a spirit of exertion in those they employ, no thinking person can for a moment doubt; and that *their* attention is really beginning very generally to take this direction, the advertisement from your Society, which has drawn forth these observations, may in itself be taken as a pretty satisfactory proof.

CHAPTER I.

GENERAL OBSERVATIONS AS TO THE BEST MODE OF MANAGING ESTATES IN IRELAND, AS REGARDS THE IMPROVEMENT OF THE SOIL, AND THE CIRCUMSTANCES OF THE TENANTRY.

The treatise which the Society requires, it would appear from the terms of the advertisement, ought to embrace the consideration, not only of the general management of landed property, but also the particular subject of the squaring and consolidation of farms, and the merits of a mixed system of plough and spade husbandry. To take these subjects, therefore, in the order in which they are mentioned, I shall begin by premising, that a treatise, such as that demanded, cannot be expected to enter into the detail of farming, or to give precise directions as to draining, cropping, manuring, &c., which are all matters requiring particular inspection of the estates, and even of the separate farms on those estates, in order to make what would be said to profitably apply, and become practically useful; I shall, therefore, confine myself to such topics as relate to the conduct to be pursued by the landlord and agent, under those circumstances, in which most Irish estates are generally to be found, viz., with a soil not half cultivated, and with a tenantry, for the most part in arrear, and deficient both in agricultural skill and necessary capital. Under such a state of things it would be desirable, as soon as possible, to have an accurate survey and valuation in *fields* of the entire estate, in case there has not been one recently made; and if to this were added a report upon the situation of the tenantry, the condition of their farms, state of their houses and offices, quantity and description of stock, with the numbers and ages of their children, and other particulars that might be thought worthy of attention, it would be found a most useful and interesting document at all times to refer to, and if occasionally repeated, would enable the

proprietor to distinguish and encourage the deserving, as well as to trace out the improvement that might progressively take place in the estate; but in the first place, as being of the most urgent necessity, there ought to be an immediate examination into the rent charged upon the different farms. To ask a higher rent than the tenant, such as he is, can pay out of the produce of the soil, by the exertion of such capital and skill as he can bring into action, is asking what the tenant cannot make good; for *ninety-nine* out of a *hundred* have no property of their own sufficient to support any loss of that kind, and if the tenant falls into arrear and is turned out, it often happens that no better is to be had in his place; therefore, it is of the first importance, that the rent should be ascertained to be just and fair with regard thereto. It is of no use to insist on a rent from the generality of Irish tenants, such as a farmer of *skill* and *capital* might afford to pay; if such a rent is wanted, he must first be given the *skill* and the *capital* required, otherwise it would be like the Egyptian order to make bricks without straw; the thing would be totally out of his power, and the sure consequence must always be, that as the horse which is overburthened will not draw, so the tenant that is *so* overcharged, as to make him lose hope of being able to live by the land, instead of paying the exorbitant rent demanded, (or even as much of it as he reasonably might,) will pay nothing; he will, by every device and pretence that can be resorted to, get every thing possible out of the farm, with a view, if he finds he cannot live where he is, to carry off as much as he can, that he may live elsewhere; and any one who has been employed in the management of estates shortly after the peace of 1814, when the produce of land declined so much as to make the war rents more than the tenant could pay from the produce of the land, will be able to bear testimony to the truth of this statement. On the other hand, the rent ought not to be such, as to enable the tenant to pay it, without calling forth that exertion and industry which he may be fairly expected to employ.

The miserable appearance of some farms, held under old leases, at nominal rents, contrasted with the adjoining lands, let at a fair and moderate rate, will sufficiently prove this assertion. Having thus ascertained the fair rent, (if it does not appear that the tenant has been overcharged,) any arrear beyond what accidental circumstances, such as sickness or loss of cattle may account for, may be fairly attributable to neglect, or want of capacity in the agent. In this case he should be changed forthwith, for nothing but an intelligent and active man, in this capacity, will be able to bring the tenantry back to punctual and regular habits; but if it shall appear that the rent has been too high, then it is not only just, but absolutely necessary, that every tenant's account should be revised, and that a new Dr. and Cr. account should be opened, charging each with the fair rent he ought to have been charged from the time that a reduction

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[redacted]

might take advantage of. The effect of a just settlement of the past, and the hopes arising from a fair charge for the future, will have an immediate effect in removing any such despondency, and if to this is added some assistance in the cultivation of their farms, the spirit of industry which will arise with the first appearance of being put in the way of bettering their situation, will be sufficient to astonish any person, who has not had experience of what such a change of measures will produce. In this respect I can speak from personal knowledge, for I have tried the experiment, and can bear testimony to the good it produced. But to restore to comfort and independence, the tenantry on an estate which has been thus mismanaged, is not the work of a day or a year, they will generally be found in debt to *others* as well as to their landlord, and before they can be relieved from the usurious payments exacted by *such creditors*, several years may elapse. But a well disposed agent will be encouraged by seeing the advance progressive, and may depend on final success if he perseveres, and has the good fortune to act under an understanding and liberal landlord, who will give that encouragement, which good feeling towards those under him, as well as an enlightened view of his own interest, will suggest. I have assumed, that the actual occupiers of the soil, on most Irish estates, are deficient both in skill and capital, that is, that they have not the means of manuring or cropping their land, and are ignorant of the best mode of cultivating it, even if they had. But I maintain that there is, generally speaking, no want of *industry*, if you let the advantage of exertion be clearly seen, of which I have had repeated proofs. The first thing then is to direct the attention of the tenantry to the faults in their present mode of cultivation, either verbally or by a printed address, the latter of which, in my own case, I found to answer most perfectly,*

* This address having been adopted by several landlords for circulation upon their estates, has gone through three editions, and being now out of print, a fourth is preparing, with such additions as may appear likely to prove useful.

and having shewn them the errors of their system on general principles, to follow it up by employing an experienced agriculturist to go round from house to house, and by such instructions as the particular circumstances of each farm required, to point out to them such improvements as might appear practicable. I have got over from Scotland several persons of this description, known in that country under the name of grieves; men who are selected by landlords from their skill and good character, to put in charge of untenanted farms to manage them until a tenant should offer.

Such people may be had at an expence of from £35 to £40 per annum, including all allowances. And if they are properly supported by the agent and landlord, there cannot be a more effective or useful appointment. The general defect in the management of small farms in Ireland, is, the constant succession of grain crops, which are continued, until the land is completely unfit to produce any thing, when it is let out to *rest*, as it is termed, in which unprofitable state, nearly one-third, or in many cases one-half of the small farms are allowed continually to remain; this arises from the want of *manure* to restore such portions to cultivation, and the want of green crops to support sufficient cattle to produce *it*. The business of the agriculturist is, first, to point out where drainage is required, &c. how the land is to be *cleaned*, (the meaning of *which* they will find at first not even *understood*.) and to point out how manure may be acquired, and how green crops may be raised, and house feeding the cattle may be established. For winter feeding, turnips and mangel wurzel appear the most beneficial crops to be resorted to, but here the first and great difficulty is started, and the agriculturist is met by the question, "if you take our small quantity of manure for these crops, what are we to do to raise potatoes for our families?" It is here that the skill and resources of the agriculturist will be shewn. There are few even small farms in Ireland, which do not contain some va-

riety of soil, that may be profitably interchanged. Bog is manure to clay, and clay to bog, and so of slighter diversities, the mixture of which with the ashes acquired by burning some of the many unnecessary ditches every where to be found, will enable the farmer with good culture, to raise a large quantity of the common *white turnip*, and a *small* portion of dung may perhaps be spared for a few of the yellow and Swedish kinds to succeed *them* in feeding the stock, until the clover crop, now to be sown, may be fit for cutting the following season. But if this small portion of manure cannot be spared, it will still be possible to collect as much before the end of July, or as much ashes as will secure a crop of rape, which will in some degree supply their place, coming in (if sown in the end of July or first week in August) in the month of March, and afford an after cutting early in May, and last until the clover is ready. Here then is a beginning made by one out of many resources, which circumstances may render practicable, and it is to be observed, that burning an old ditch or a foot ridge, for the purpose of acquiring the means of raising a crop, which returns such a quantity of manure back to the farm as turnips produce, is widely different from the habit so justly condemned, of burning the surface to raise potatoes, which afford no manure whatever. However, all difficulties on this subject are at an end, if it is in a country where lime can be procured, and as this is so generally to be met with in almost every part of Ireland, I shall assume it to be obtainable, in what I may have further to say on this subject.* With the assist-

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* Where lime is not to be had on reasonable terms, if the place is near to the sea coast, assistance may be had from sea weed or shell sand. In the absence of these, marl may perhaps be obtainable, and if all these fail, bone dust or rape cake will give excellent crops of turnips, which being once produced, they will yield such an abundance of manure by house feeding cattle, that it is the farmer's own fault if ever he is in want of manure again.

[illegible] most abundant crop of the [illegible]
[illegible] may be raised, by putting on
[illegible] English acre, and if the [illegible]
[illegible] unable to buy this, it is
[illegible] landlord to advance the
[illegible] loan, or by giving secu-
[illegible] the return of the crops may
[illegible] and the potato crop being
[illegible] manure from the stable or cow
[illegible] turnips, &c. But however
[illegible] expected from this
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[illegible] quantity of ma-
[illegible] crop of the
[illegible] disposition to
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[illegible]

clover, and give up the intended second crop of oats upon his potato land, he will most generally object, by saying, how, if you deprive me of the second crop, will I pay my rent? The answer to which is, to make up for the loss of your second crop of oats, you will have a *double quantity* of *manured* land, for you will have, by means of the lime advanced, as much potato land as formerly, and you will have the turnip land, upon which your manure was expended to the full extent it would cover, therefore, you will still have the same quantity of land under grain, with the advantage of its being all a first crop; in place of one half being a second crop, as it would be according to your usual practice. But there is still a third objection arising from a different quarter, namely, from the landlord, who may reasonably ask, how can I be secured in the repayment of the sum I may thus be called on to advance in lime, in order to make this plan practicable? I confess, there are many who consider it will be difficult to recover this amount, and I am not prepared from experience to say, that the repayment may be depended on, but I nevertheless feel confident, that when the circumstances of the people have been improved, and that they are really *able* to pay, they will be found *willing*. But it is not in one year or in two that this change can be made. The first year the lime produces a crop of potatoes, which is required for the consumption of the family, and by keeping them from the necessity of buying their food, enables them by their industry, to pay off some of their debts, or add something to their comforts. The second year the grain crop goes to make up the deficiency arising in their means of paying rent, from clover being sown in place of a second crop of oats. The third year the same portion is in clover, which will enable them to rear additional stock, and it is not until the fourth year that the crop of grain, after the clover, really brings the farm into a productive state, and if the plan is persisted in for the four years, it then certainly will have brought it into complete order; for by the four course rota-

tion I have stated, the entire farm will have been drained and manured, at the rate of one-fourth part every year, it being the business of the agriculturist to see the drainage of the land properly effected, *before he gives the order for the lime to manure it with.* It is evident, that the circumstances of the parties must be improving from year to year, and if urgently pressed for the amount of the lime, there is no doubt the produce obtained from it ought to have supplied them with the means of paying the demand, and if they are not to be depended upon for making a good use of the funds coming into their hands, it might perhaps be better to insist on an early repayment; but as they are in general in want of almost every thing, if they are sober and industrious I think they will require all they can save, to supply them with such necessaries as they may stand in need of, and to enable them to increase their stock, which it is necessary to attend to immediately, because, according as the worn out land, which has been left out to rest, is brought by the force of manure into a productive state, and that clover and house feeding is substituted for miserable pasture, the land previously allowed for the support of one cow, will, with ease, support three or four, and the great difficulty will be, to make the increase of the stock keep pace with the increase of the food. In the experiment I have been making, I have not yet arrived at the fourth year, and it remains to be yet seen whether I shall be repaid without trouble. I am sanguine that the amount will be paid, as I have said; however, others doubt it, and the great fall at present in farm produce will undoubtedly render the collection more difficult;* but if a part, or even the whole was lost, I have no hesitation in saying, that the money is well laid out, and that any extensive landlord will find his account in introducing upon his estate a regular

* Since writing the above I am happy to say, that these expectations have been justified, and I have got payment of the lime lent, without difficulty.

system of cultivation, even by the total loss of all the advance that would be required; and that the combined effect of the four operating causes which I have alluded to, (and which for greater clearness I recapitulate,) will change the agriculture of any estate whatever in Ireland, I have no manner of doubt, viz.: A statement of the existing errors in the present mode of cultivation practised by the generality of small farmers, circulated among them to direct their attention to the subject; an active, intelligent agriculturest, to give the necessary instructions, and practically teach a better; a landlord who will advance the necessary quantity of lime to render those instructions available, and an agent willing to take the trouble of seeing the experiment fairly tried. The first shews the necessity of a change, the second supplies the necessary skill to correct what is amiss. The third affords the capital wanted, and provides an additional inducement, by the known gain arising from the crop which follows it; and the lime being only granted on the certificate of the agriculturist, this gives him the power of insisting on the ground being drained and properly cleaned, to which it is to be applied. And lastly, the influence and personal attention of the agent keeps up the spirits and energy of the tenantry, and makes all things work together, and co-operate towards the successful issue of the undertaking. Being encouraged by the great success of my first attempt, I have made the experiment in three other districts, and from the uniform success which has attended the plan, I conceive myself fully justified in asserting as I have done, that it will change the system of agriculture *any where*. It is now but the third season since I made the attempt, in two estates immediately under my own inspection, and the result has been, that over a district of about 20,000 acres, the cultivation of turnips, clover, vetches, and rape, has been fully introduced, of which clover alone was at all known, and that confined to the more *improved* parts, and supposed not to be capable of general introduction, and the others had never been thought of; and the improvement is not likely to be

confined to the estates alluded to, for I am happy to observe the tenantry on the adjoining properties are following the example set to them, and the cultivation of these crops will, in a very short time, extend over the whole country. In the same district I had previously tried the circulation of many of the modern treatises upon the growth of green crops, house feeding, &c., but all such instructions are wholly thrown away upon the great mass of the people, and will produce no general effect unless followed up by the personal and often repeated instruction of a practical agriculturist, who can talk to them in their own language, and point out to them, on the spot, what ought to be done; and even this will fail of its efficacy, without the inducement being held out of a loan of lime, when the instructions are attended to, and the continual support and exertion of the agent's influence. In speaking of this attempt as being a plan which has been found to answer in *practice*, I fear I shall be charged with having been too diffuse; but I trust the importance of the subject, which involves in it the happiness of thousands, will plead my excuse, and hoping that others may be induced to give the plan a fair trial, I proceed to the next division of the subject.

CHAPTER II.

ON THE SQUARING AND CONSOLIDATION OF SMALL FARMS.

The consolidation of farms I understand to mean, the conversion of sundry small holdings into others of larger dimensions. In this I have had some experience, and my opinion is decidedly against it, in all cases, where the object can only be accomplished by turning out the unfortunate occupants without making provision for their future support.* In

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* It may not be amiss here to combat the charge which I have heard frequently made against the Irish landlords, for having encouraged the sub-

Ireland, I apprehend, we are too apt to be carried away by the ideas and practice of our English fellow-subjects, without considering the difference of circumstances between the two countries. In England, large farms, large fields, straight fences, &c. &c. have long been the favourite themes of English landlords and English writers, and no doubt where there is capital, and no very redundant population, such arrangements are very desirable; but it should be remembered, that most writers agree, that to these large farms and these large fields, obtained by the consolidation of smaller holdings, England owes the necessity of *poor laws, which for so far* has maintained this system, and given the necessary assistance to the support of the pauper population, thus banished from the labours of the field, and cooped up in villages, earning at best a precarious, and too frequently an inadequate subsistance, by manual labour or manufacture. But with increase of population the rates have increased, until, at length, the demands of pauperism in *England* alone, amount to about one-sixth of the entire revenues of the *empire;* and the evil is becoming so great, that people are beginning now to try back, and in many districts are returning in principle to the very identical state of things which formerly met with so much reprobation; I allude to cottage

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division of their lands for the political purpose of making freeholders. There may have been some few instances of such conduct on the part of land jobbers, and persons of that class, but I do not believe it ever has been acted upon by landed proprietors of character and consequence. Should any instances to the contrary have taken place, they must be considered to form the exception, but by no means the rule. I do not by any means deny, that almost every landlord may have turned to account, in this way, that subdivision which he could not prevent, but at the same time would have been glad to avoid; and the truth of this view of the subject is proved to demonstration, by the undeniable fact, that the subdivision complained of has been more practised in the church lands and parish glebes, where no such objects could have operated, than upon any description of freehold property whatsoever.

[illegible] of land, which, as far as they have been tried, have immediately been found to mitigate the evil. Does not this at once speak volumes on the subject? By the laws of England no one can be allowed to starve, how then are the poor to be supported as cheaply, as enabling them to support themselves, by letting them have a small portion of land, [illegible] and their families constant employment, at times when they would otherwise be idle, and probably a burden. As long as there are numbers who are so far beneath, that partial employment can be found elsewhere, a small allotment will answer, but when the population exceeds the employment, then more land will become necessary, or [illegible] and the small allotment [illegible] with the small farm, and things will return to their natural course, which the wants of the poor [illegible] this is a point for deciding

covered with an agricultural population, settled in small farms over the entire face of the country, that these poor and contented families should be ejected, to introduce the consolidation of their lands? Surely no one would have the folly to think of such a thing, and if so, why should we, with the bad effects of the system fully before us, be led to adopt the practice, which those who have tried it are obliged now to counteract. But besides the evils which we may see to have attended the practice in England, the adoption of it there, is in many respects more natural than it would be in this country. In England the landlord is at the cost of all the farm houses and offices, &c., and it is natural that he should wish to have as few as possible either to build or repair: the English landlord also can always find tenants with *capital* suited to such farms. In both these cases the facts are directly the reverse in Ireland. The tenant here both builds his own house and keeps it in repair. If the landlord, therefore, pulls it down for the purpose of consolidation, he destroys not the work of his own hands, as in England, but what was built by his tenant, in full confidence of being allowed to enjoy it; and to speak of the population at large, they have nothing in the way of *capital* whatever to begin upon; therefore, as to a large farm, few, very few, would be fit for it. Again, the straight fence and the square field, (which is so ornamental and so really useful in England, where the soil and climate is dry and the land level, and all the operations of the farmer are performed by horse work or hired labourers,) become much *less important* in a wet climate and wet country, the surface of which is constantly undulating, and where the labour of the farmer and his family are generally sufficient for the cultivation of the farm. The lay of the land, in a hilly country, may in many cases make a curved fence absolutely necessary to suit the numerous water courses, and the ground which would be lost to an English farmer thereby, the grass of which would not repay to *him* the expense of hiring men to cut it, is quite otherwise to the

small farmer, whose wife and children can be so employed without expense, and to whose cattle this identical part of the farm affords, in what they call shearing grass, the only kind of house-feeding in the nature of green crop, which they have, generally speaking, at present any idea of. However, I do not by any means intend to argue against the general utility of square or *rectangular* fields and straight fences, the beauty and benefit of which I am perfectly sensible of. I only say, there are circumstances, which render them not so important in Ireland as in England, and being part of the usual arrangements in the consolidation of farms, these circumstances should not be lost sight of, any more than the difference of capital, or the extent of the population. It is no contradiction to my arguments to say, that such and such proprietors have turned adrift the small holders on their estates, and that they have been able to get solvent tenants, and that their properties present an improved appearance. All this may be very true, without its being at all practicable to do, upon a large scale, what may have been accomplished upon a small one. An individual may do this, and his discarded paupers may find shelter on the estates of his less watchful or more humane neighbours, but unless it is shewn what is to become of the redundant population, if the system became general throughout the kingdom, I must insist, that for any individual to turn adrift his pauper tenantry to prey upon others, is a selfish and unfair act, and should be reprobated as such. In the county of Armagh, there are five souls to four acres English measure, what then is to become of this population? where are they to find shelter? or what language can paint the state of utter destitution to which so many human beings would be reduced, if their lands were allotted into even twenty acre farms, without speaking of two or three hundred, a more customary English size? The effect of a practice of this kind is not to be judged of by a few insulated cases; the question must be answered, and that too satisfactorily,—what is to become of

these people? If it is not so answered, humanity must shudder at such an undertaking. They cannot be allowed to starve—to support them by poor laws would make the whole nation *paupers*, and the whole capital of England would scarcely suffice to support them, if the country was to be laid out into such farming establishments as would suit English ideas; the thing, therefore, I look upon as wholly impracticable, and if practicable, impolitic. For, let us consider the state of the manufacturing population of the North of Ireland, (who are generally the cotters, or small farmers on the estates of the landed proprietors,) compared with the situation of the same population, if crowded up in villages, and obliged to go to market for every morsel they put into their mouths. Suppose a damp should come upon trade, the linen or cotton trade for instance, the weaver in a village, cut off from every other means of support, has nothing before him in such a case but starvation—the calamity comes on him in its most unmitigated shape, and even if only of short continuance, drives him out of house and home. Here we have no poor rates, and he has nothing to fall back on but downright beggary. Now, what is the case with the cotter? he has most likely the produce of his acre of potatoes *in the house*, he is thereby secured from starvation; he depends on his loom merely to pay his rent, and if that fails him, he falls back upon his landlord. The landlord will not, under such circumstances, turn him out *at the moment*, he will rather himself fall back upon the shopkeeper, and those who furnish his supplies, or contract his expenses. The shopkeeper, not getting his payments, falls back upon his merchant, and he again upon his banker. Thus there is a system of mutual indulgence between all ranks, under the pressure of extraordinary circumstances, which lays the whole capital of the country, from one end of the chain to the other, under contribution, before stern necessity gives the impulse, which ends in the ejectment of the distressed weaver, if he has the character of an honest and indus-

trious man; and before this takes place, most generally trade is either found to mend, or other resources offer, or he is allowed time to make up his rent by getting security; and in the end, one way or other, he avoids the fate which in the other case inevitably and immediately awaited him; for these reasons, I decidedly condemn any attempt at consolidating farms by turning out the inhabitants. But where under tenants have been brought in, if there was no other way of providing for them elsewhere, I should, at all events, take them from under the middle man, and give them a small allotment of land off the farm of those who brought them in. In general they are a much more industrious class than the original lessees, whose want of exertion has been, generally speaking, the cause of introducing them, for the purpose of assisting to pay their rents; and when they come under the landed proprietor, and are fairly treated, they will be found, most commonly, as punctual tenants as those who have larger holdings. It is possible, however, that in many cases, they may be in such poverty, from the grinding exactions of the middle man, that they are actually incapable of exerting their industry to any advantage; here then comes in the opportunity of putting in practice the system recommended in the foregoing. In all such cases, a loan of lime at once places them in a state of activity, and insures them ample remuneration for their labour, and with the further assistance of a proper instructor to direct their industry, I do not see any reason to doubt the gradual improvement of *their* circumstances, as well as that of the *estate*. But while I condemn that species of consolidation which leads to the expulsion of the small holders, there is another kind of consolidation which I am decidedly in favour of, and which is, I believe, more imperatively called for in Ireland, than in any other country in the world. It is, perhaps, owing to the want of education, that there is so little spirit of enterprize to be found among the great bulk of the agricultural population of this country; at least it appears that the spirit of

enterprize exactly corresponds with the extent of education throughout the kingdom.

In the north eastern counties, where education most prevails, it is not uncommon to see a small farmer provide for his sons, by giving them trades, or putting them apprentices to shopkeepers, or sending them to sea, or to America, and thereby preserving his farm unbroken for one of his family. But in the south and west of the kingdom, where education has made little advance, the people, totally unacquainted with the wants of civilized life, have no other idea of providing for their children, than by dividing among them the land they possess; nor have their families ever learned to desire any thing, which a small piece of land cannot be made to supply; and, contented with their lot, they support nature as well as they can, living upon their inheritance, without a thought of bettering their circumstances. The original *mansion house* (as it is not unfrequently termed) by degrees extends itself, and a cluster of cabins is formed around it, by those who have issued from its walls, among whom the original farm (which may have been, when granted, of very considerable extent) is found to be divided in the most absurd and inconvenient manner, according to the allotment of those who bequeathed it by will, or as it may have been acquired by purchase. The same individual holding, perhaps, his land in scattered fields, remote from his house, and remote from each other; this is such a common case, that there is no one at all conversant with Irish estates, who must not have seen hundreds of instances of it. The *near* neighbourhood of the houses is not found to produce a corresponding *close* intimacy in the occupants, their children quarrel, their pigs, cattle, and poultry, all at some time or other do mutual injury, and create dissension; so that every thing gets into a state, the exact reverse of what it ought to be, the dwellings are clustered together, which ought to be separate, and the land is scattered, which ought to be con-

to justice in the distribution, and shewing the most unbending impartiality, the business will generally be successfully accomplished, making some moderate allowance for the labour of new ditches, and affording some extra assistance to those who have to remove their dwellings; and when the new regulations are carried into effect, the population will be found well content with the change. Supposing then an extensive estate to have recently fallen out of lease, (under which circumstances alone such a consolidation as I have recommended would be at all practicable,) and that such a division had been actually made, by which it may very generally happen, that two-thirds of the farms will be found not to exceed five to eight acres, it may be asked, how can these tenants live upon such small portions, and still more, how can they pay rent? * I answer without hesitation, they

* I am firmly persuaded, that the small farmer who holds his own plough or digs his own ground, *if he follows a proper rotation of crops and feeds his cattle in the house,* can undersell the large farmer, or in other words can pay a rent which the other cannot afford; and in this I am confirmed by the opinion of many practical men who have well considered the subject, and I think it will not appear extraordinary, that such should be the case, to any one who reflects that the English farmer of 700 to 800 acres, is a kind of man approaching to what is known by the name of a gentleman farmer in this country. He must have his horse to ride, and his gig, and perhaps an overseer to attend to his labourers; he certainly cannot superintend himself the labour going on in a farm of 800 acres. Add to this, he must appear himself, and have his family also to appear in a superior rank, and his farm must not only enable him to pay his rent, and yield him the support he requires, but it must also be chargeable with the interest of the large capital which is necessary to its cultivation; besides all these drawbacks, which the small farmer knows little about, there is the great expense of carting out the manure from the homestead to such a great distance, and again carting home the crop. A single horse will consume the produce of more land, than would feed a small farmer and his wife, and two children; and what is more than all, the large farmer says to his labourers, *go* to your work, but when the small farmer has occasion to

three years' standing, and of course not yet in complete operation, I should not be afraid to be put to the proof by shewing the thing in actual existence, and plain to the eyes and understandings of all those who choose to examine into it, and to whom I could point out many individuals, who, upon such small patches of land, were three years ago, sunk in misery and despondency, living without hope and acting without energy, who, under the operation of the treatment recommended, have already recovered their spirits, some of them their *health*, (which was injured by the hopelessness of their situation,) and are at present full of energy and exertion, working with all their might, the more speedily to arrive at that comfort and independence, which now, for the first time, appears within their reach. I say it is impossible for any one who has not seen it, to calculate before hand the total change of habits, character, and circumstances, that takes place in a man, who is raised from the depths of despondency to the buoyancy of hope. If I am asked to exemplify how this is effected, a few words will suffice to give such an outline, as will clearly enough shew, how it is brought about. A loan of twenty or twenty-five shillings worth of lime, will, in most parts of Ireland, insure, without other manure, an English acre of cup potatoes, and will produce after this a crop of grain, a crop of vetches or clover, and a second crop of grain. Those four crops, all originating in a loan of twenty or twenty-five shillings, ought to produce, after deducting cost of seed, not less than £20 to £25, being a pound for every shilling lent, and if, in addition to this, the poor tenant had *the return from his cow house manure*, which, in the first instance, is applied to growing turnips, and *which*, by the quantity reproduced by that crop, will be trebled from year to year, it is easy to imagine, how soon the small farmer must be bettered in his circumstances, and how a small loan of this kind, continued for two or three years, must bring an allotment of five to eight acres into a completely productive state, under the

direction of an experienced agriculturist; and supposing his rent to be twenty shillings per acre, which is an average rate, the whole amount may be paid by fattening one or two pigs and a cow, and this may be accomplished upon half an acre of turnips and potatoes, leaving him seven and a half acres *free* for himself, and plenty of *manure* to cultivate them with, by the possession of *which* he will be secured in daily employment for himself, his wife, and one or two children able to work, supposing manual labour only to be resorted to. Having thus given a general account of the plan of proceeding I should recommend, from the first entering upon the direction of a badly managed and impoverished estate, and shewed the means by which the land might be improved, and the tenantry brought to a state of comfort and independence, I now beg to add some further remarks, upon the comparative advantages of a mixed system of plough and spade husbandry.

CHAPTER III.

ON THE COMPARATIVE MERITS OF PLOUGH AND SPADE HUSBANDRY, AND THE ADVANTAGE OF A MIXED SYSTEM, EMBRACING THE USE OF BOTH.

By the expression made use of in the advertisement, viz. "maintaining in *Ireland* a mixed system of plough and spade husbandry," I naturally conceive that it is meant to apply particularly as it regards the cultivation of *small* farms, into which the great majority of the cultivated land in Ireland is divided. In this respect I am quite decided in opinion, that the entire use of manual labour (which I have hitherto kept chiefly in view) is in small farms much more beneficial than the *entire* cultivation by horse work; but a mixed system, where a horse can be got in *due season*, I should prefer to either, but in *this* lies the difficulty; for it should be remembered, that very often the small occupiers,

who are obliged to hire horses, are forced to wait, in order to get the labour performed in that way, until the proper period for doing the work has passed over, to the evident injury of their crops; whereas, if they had relied solely upon the spade, which they had at their own command, however slow the work might have appeared in its progress, they would nevertheless have seen it performed in good season, and in due time have reaped the fruit of their industry. My advice, therefore, to small farmers would be, to rely more on their own exertions, and by beginning early to their labour, insure their being able to get in their crop, without depending on that assistance, which they cannot be certain of being able to procure. In a country like Ireland, where so great a proportion of the poor man's labour consists in the cultivation of his potato crop, nothing would more facilitate what I have just recommended, than the practice of putting the manure into the ground, according as it was made, leaving for the spring only the labour of dropping in the seed at the back of the spade, which, besides making the manure go nearly one-third farther, possesses this additional advantage, that it employs the poor man at a season when it is most difficult to get employment elsewhere; and by getting the heavy part of the work over, and leaving that only to be performed, which a boy or a girl can do, it insures the seed being put into the ground before the season is too far advanced—*a most material object*—for when the planting of the potato is delayed to a late period, the plant has not time to attain to maturity, but is killed by the early frosts, in a growing state, which is sure to render it wet and unwholesome, and also to prevent its keeping. In favour of this plan I might also urge, that in the fall of the year there is a greater facility in getting horses to hire than in spring, and the assistance of the plough and harrow might *most advantageously* be then called in, to prepare the ground and lessen the amount of manual labour; for although I am decidedly against any small farmer keeping a horse, unless he has some other

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fuel have to be drawn from a distance, that constant work for a horse may be found upon a smaller farm, and in such cases the keeping one will be always advisable. It is not the keeping of a horse, when he is kept *busy*, but when he is kept *idle*, that is to be objected to; where it could be accomplished, I consider a landlord would serve his tenantry much, by establishing a ploughman, well appointed in plough and horses, and allot him a certain district, of which he was to have the ploughing upon fair terms, and let him make a regular trade of doing the horse work of the rest of the tenants, and by that means secure to them the advantage of getting their horse work done in proper time, which will undoubtedly render the joint application of plough and spade husbandry superior to either singly.

CHAPTER IV.

THE QUESTION OF A SUPERABUNDANT POPULATION IN IRELAND CONSIDERED, AND REASONS GIVEN FOR DECIDING IN THE NEGATIVE.

I have already extended this treatise to a length much beyond my original intention, but I cannot conclude without endeavouring to answer one objection, which may be made to the opinions I have supported in the foregoing; I allude to my objecting to the expulsion of small holders for the purpose of consolidating farms, in regard to which it may be asked, if this is not done, the population is increasing so rapidly, that as families grow up, subdivision must go on, until at length the whole community will become *paupers?* I might fairly ask in return, how the plan of turning out these families will prevent *pauperism?* It seems to me that the latter plan is by much the surest way to produce such a result. But the most satisfactory answer to the question will perhaps be arrived at, by endeavouring to a certain how far the apprehensions of a superabundant population, at present so

generally entertained, may or may not be justified by facts: for if it should appear there was land enough in the kingdom for all its inhabitants, now existing, and for as many more as could be anticipated in any reasonable time, and that nothing more was wanting but proper regulations to make it available for their wants, then the objection may be fairly considered to be set aside. In a late publication entitled "Ireland as it was, is, and ought to be," a table is given of the arcable contents and population of each county in Ireland, which may be supposed, at least, so far *relatively* accurate, as to afford data for the following calculations. From this table it appears that the county of Armagh contains 212,755 acres, and a population of 220,053 souls, and that the entire kingdom contains 17,150,720 acres, and 7,839,469 souls; now, in the county of Armagh, by a recent survey, more than one-seventh of the surface is taken up by lakes and un-

ment; and in regard to this, I would say, from a pretty general knowledge of it, that under an improved system of agriculture, and a regular rotation of crops, the produce would be *treble* of what it yields at present, and I think this may be considered as practically proved, if I can shew farmers possessing land of average quality, who being induced to change their manner of cultivation in the way already described, are now receiving fully treble produce from the identical same farm to what it formerly yielded; but supposing it only to yield *double* as much, it would follow, that the population of Armagh, if that beneficial change became general, might be *doubled* also, without in any degree lessening the comforts of the inhabitants; which increase being taken as the basis of the calculation, and applying it to the whole of Ireland, would make it adequate to the support of better than thirty-five million of souls. When, therefore, it is considered what unexhausted, I might say unexplored, resources remain for the maintenance of any increase of inhabitants that can be expected in any definite period, it must, I think, be evident to every reflecting person, that all fears as to a *surplus population* are perfectly ideal, and that it is its unequal distribution, and not its aggregate amount, which is to be deplored. It may be said that the quantity of waste land in the county of Armagh is below the average of the kingdom, and this I have not the necessary returns, exactly to ascertain, but the proportion in Armagh would give an amount of 3.000.000 of acres of unprofitable land in the whole of Ireland, which cannot be so far from the truth, as in any material degree to affect the result of the foregoing calculation.* If then such be the real state of the question, what, it will be demanded, can prevent the population now in existence from seizing upon comforts so completely within their reach,

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* The commissioners of bogs, in their fourth Report, calculate the extent of waste land that might be reclaimed at 2.830.000 acres, which coincides pretty nearly with the calculation here made.

and applying themselves at once to the cultivation of these immense tracts of improvable land, at present lying useless? The answer to this will lead me to the point I wish to arrive at, and the reply I should give would be, that the *chief* reason was, *the want of security for person and property*, which deters the working classes from attempting to settle in any place remote from their own connexions, and thereby prevents the population from extending itself to the more uncultivated parts of the country, and being thus pent up in particular districts, it occasions land to be almost unattainable, where there is the greatest wish to cultivate it, and leaves it lying idle, where it exists in the greatest abundance. Any one, who knows any thing of the state of Ireland, knows that it is not safe in a farmer to emigrate even to an adjoining parish, without paying largely for what is called the good will of the person to whom he succeeds, which explains fully the reason why a sum of money, nearly equal to the value of the *fee simple* of the land, is often given to get into possession of a farm under a respectable landlord, in a quiet neighbourhood, although the land may be subject to its *full value in rent*; but to the want of security for person and property may also be added, the want of *skill* and *capital* in the working population, and the consequent incapacity of those who have *neither*, to attempt the business of reclaiming, which requires *both*, and thus (even where land might be acquired) they cannot proceed, without meeting that support and assistance from the *landlords* which *they* are, generally speaking, unwilling or unable to afford; and thus things have been left to take their own course from century to century, the local improvement creeping on by degrees, as it happens to be pushed forward by the advancing tide of population in each particular district, without almost an instance of any thing being undertaken upon an extended scale, to bring into cultivation the numerous tracts of country, which would so well repay the sums that might be judiciously expended on them; and the land is left waste, which alone is

capable of affording the necessary employment, and the people are left turbulent, discontented, and disaffected, and will always remain so, until employment is provided for them. The existing state of things, therefore, operates as cause and effect: the land lying waste leaves the people lawless and turbulent; and again, the lawlessness and turbulence of the people is the cause of the land being left so.

CHAPTER V.

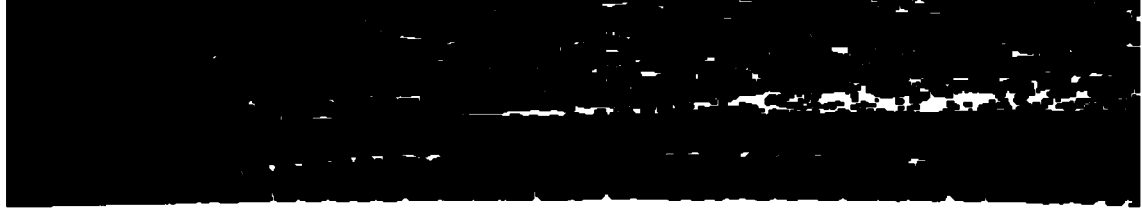
PLAN PROPOSED FOR GIVING EMPLOYMENT TO THE POOR, AND COLONIZING, WITH ADVANTAGE, THOSE PARTS OF THE KINGDOM NOW LYING WASTE.

From what has been said in the conclusion of the preceding chapter, it seems in vain to look for amendment, or to expect any beneficial change in the present deplorable state of things, until that complete dominion of the law is obtained, and that absolute and decided state of security is established, which may open to industry and enterprize the inmost recesses of the kingdom, and guarantee to every man the fruits of his labour. *This* is what Ireland has never yet enjoyed, and until it be arrived at, no hope need be entertained of seeing the kingdom prosper, as it ought to do. But as the demoralizing effects of its past and present state cannot all at once be got the better of, and as general respect for the laws cannot be looked for, until a new generation shall have arisen, unacquainted with the crimes and confederacies now existing, it remains to be considered, whether something of a local nature might not, in the interim, be successfully undertaken, to check the evils of the day; and if skill, capital, and security cannot at once be extended over the whole kingdom, whether it may not be afforded in certain situations, where local circumstances seem to favour the attempt. I would therefore propose, that the state should assume the right of taking to itself those tracts of reclaimable

land, which the owners continue to let remain uncultivated, and after giving fair compensation, should make a practical experiment, whether they could not be colonized to advantage. Let the experiment, of course, be first made where the greatest chance of success exists, that is, where fuel and limestone are to be had, and drainage most practicable; likewise, where the interference with the private rights of individuals seems to be least objectionable; for example, where extensive and reclaimable morasses are owned by such a number of proprietors, as to make any joint effort at reclaiming, the least likely to take place; in this respect, the valuable reports of the bog commissioners, made some years back, and the present ordnance survey, would give ample information. Take, for example, the Bog of Allan, where there are, I believe, thousands of acres capable of drainage, to which no individual right can be proved; suppose government to undertake the drainage of this, and to purchase, by a valuation, such parts as any property could be proved in. Let the work be then undertaken at the public expense, under the direction of experienced engineers, and let the workmen be stimulated to exertion by having an allotment of ten to twenty acres, in perpetuity, proposed to them as the reward of good conduct; their own numbers would afford mutual protection, and as soon as the drainage was completed. let their lot be marked out, and they turned over from the engineer to the agriculturist, to be dealt with exactly as I have already described. Here then would be skill, capital, and security afforded, and I have not a doubt, as to a large profit being derived to government from the undertaking.

In prosecuting such a plan as this, government should not advance one farthing, except for such objects as supplied the means of industry, as lime, seeds, &c., and some assistance to roof their huts. Let every comfort be the fruits of their own industry, to rouse which to the utmost pitch of exertion, nothing more would be necessary than to hold out the pros-

pect of a *perpetuity*, as above mentioned. It is the charm contained in the word *perpetuity* which induces such numbers of individuals, who have been accustomed to many of the comforts of life, to emigrate to America, and there undergo hardships, far beyond what any settler would experience at home, and in order to secure to him his fair share in the advantage arising from the fruits of his labour, I would propose that his *rent*, for the first seven years, should not exceed the interest, at five per cent., upon the total government outlay in purchase and draining, and that he should pay besides five per cent. interest for any thing advanced to him individually, until repaid, which I calculate he would be able to do before the seven years expired; at this period a new valuation to take place, and if he had improved the land so as to render it capable of a rotation of crops, then to be entitled to his perpetuity, adding to the original rent *half of the increased value*. Thus if the original rent was two shillings per acre, and the improved value ten shillings, he would be *charged six* shillings, viz. *two* shillings and the *half* of the *increased* value of *eight* shillings; but if at the end of the seven years the whole had *not* been brought under a rotation of crops, then the settler would only be entitled to a lease for *twenty-one* years, at a rent to be similarly calculated. All the details of a measure, like the foregoing, are not to be expected in a treatise like this: but suppose a settler to have earned, by previous labour under the engineer, the small sum that would support him whilst he would be engaged in setting his potatoes upon his new lot, and having done so, that he should then return to his work until his crop was ripe, and that in his extra hours he should, during the summer, put up a small cabin, which his earnings might, perhaps, enable him to do, or with the assistance of 40s. to 50s. advanced him, he would then be perfectly fit to proceed in reclaiming, and with much less hardship and suffering than attends an emigrant on his first settlement in *America*, which would cost as much for *one* family as would put *thirty* here into



settler a mere pauper, but the idea of obtaining a perpetuity, without incurring any ill-will, or being exposed to any insecurity, would bring settlers from all parts of the kingdom, having capital to build houses, and reclaim the lands, without any assistance whatever; and as the removal of each settler from his immediate neighbourhood would leave a space to be filled up by the adjoining population, the benefit of an experiment of this kind, in any one place, would be thereby diffused generally, throughout the kingdom, and no one who has had any experience of the anxiety to obtain land, under a fair and liberal landlord, when it can be done without apprehension of danger, (even where they obtain no lease whatever,) will for a moment apprehend any want of settlers. In fact, I am fully persuaded, that if government confined themselves merely to the purchasing all land that was allowed to lie waste by the owners, and having brought it into a state fit for cultivation, by draining, would then let it in perpetuity, in small farms, at a remunerating rent, there would be applicants enough to occupy any land that might in this way be brought into the market, and with capital sufficient for its cultivation, and thus the object of giving employment would be accomplished, at the same time exonerating government from having any further trouble in the business. And when the difference is considered between the inducement of a twenty-one year lease, held out in the case alluded to in the note, and the grant for ever to be proposed in the other, it leaves no doubt that I am right in believing that most respectable settlers would offer. Supposing then these expectations to be realized, and that the plan recommended was extended, in succession, to the waste lands of absentees, and then to waste lands of every description, it is easy

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estate; they are, generally speaking, weavers, and do not require more than about three acres of land each: but in consequence of the allotments being particularly reserved for them, I have been obliged to refuse several applications from others who had capital to build, and also to reclaim the land, without requiring any assistance whatever.

taining the desired tranquillity, than any laws, however severe, that can be enacted. But it is not necessary in this case to argue from analogy; the principle is already recognized, and acted upon in every grand jury presentment, in every act to establish a rail road or form a canal. In all such cases, the property of individuals is taken at a valuation, without any compunction whatever, and this in cases when the property may have been highly improved and ornamented by the taste and capital of the owner, which seems a much mor eextreme case, than taking that which has been neglected and left waste. But the principle I contend for has been applied to cases still more in point, I mean the enclosure of commons, where the existing rights of numbers have, in various cases, been made to give way to what appeared the general advantage, and I fear in many instances, the restitution allotted to the poorer occupants by no means fully compensated them for the privileges they had lost. With these precedents established, I do not see what solid argument can be advanced in opposition, as the employment of a pauper population affords a stronger case of public necessity, than ever has been made out for all the enclosure bills that ever were enacted.*

CHAPTER VI.

CONCLUSION, SHEWING THAT THE TOPICS DISCUSSED IN THE TWO PRECEDING CHAPTERS ARE NOT IRRELEVANT TO THE SUBJECTS PROPOSED FOR CONSIDERATION BY THE ROYAL SOCIETY IN THEIR ADVERTISEMENT.

It may at first view appear, that these discussions (into which I have been led by a wish to shew, that there is am-

* In these arguments the question is taken up *politically*, but if it be admitted that *to waste bread* is a *crime*, as being the support of human life, which I think cannot be denied, then the principle I contend for, is equally true, *morally* speaking, for if it is a crime *to waste bread*, it *cannot be innocent* to let land lie *waste* which may be made to produce it.

ple space afforded in the kingdom for the comfortable subsistence of every native, provided it is made available for that purpose) are irrelevant to the objects pointed out in your advertisement to form the subject of this treatise. But upon further examination, they will be found most intimately connected therewith. For from what cause is it, that the subdivision of farms is constantly going on? Is it not that the landlord sees no remedy for the evil, and that motives of humanity oblige him to submit, there being no other prospect for the family of his tenant, but beggary and starvation if he resists. But if the plan I have described was to be adopted, a provision is made thereby for every one able and willing to work, and the landlord would be no longer withheld by motives of humanity, from insisting upon that which his own interest would so strongly urge him to, and the rising generation would be brought up under the impression, that they must provide for themselves. It would then be no charity, to let them remain where they were to their own injury, but it would be a charity to force them to labour for a settlement for themselves, and to compel them to go where they would be better off, than staying at home. But the most likely thing is, that no kind of compulsion would be necessary.* The prospect of obtaining a farm at a moderate rent in perpetuity being held out, would make them willing enough to depart, and perhaps it might be found, before long, that landlords would be forced to abate something of their demands, in order to persuade their tenants to *stay*, instead of being obliged to use harsh measures to force them to *go*. This is no impossible or improbable supposition. In America, where there is a facility of settling upon unreclaimed land, without being ex-

* It may be matter of discussion, whether *the control* which a three life lease being given, instead of a perpetuity, would maintain over the settler, might not render it a desirable alteration to make. In either case, I have no fears whatever of getting any number of settlers that might be required.

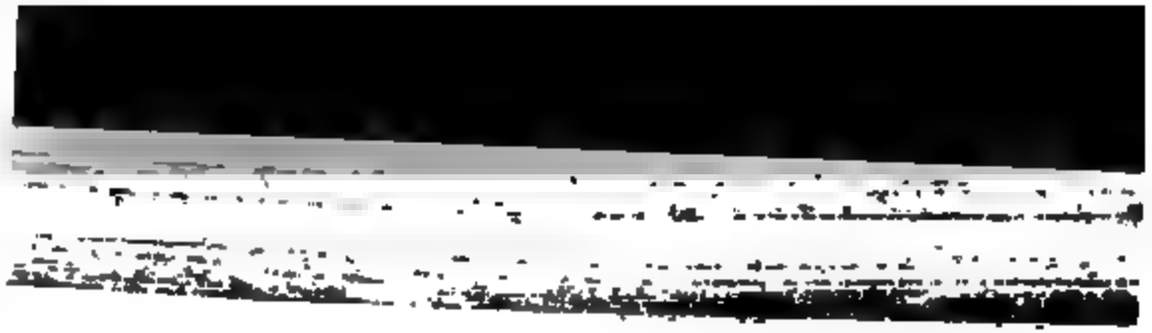
posed to malice or to ill will, can it be supposed that any tenant would remain under a landlord, where he could not exist with a certain degree of comfort and satisfaction? It is quite evident that he would not, and the difficulty of getting labourers there, and the high wages given, sufficiently prove the fact, that having such an alternative enables the man who has only his health and his hands to bring to market, to make better terms for himself, and raises him in the scale of human society: and would not the same causes produce the same effects here? Undoubtedly they would—no tenant would stay in a farm, if he could better himself by going away, and the results of the government's interference would be, that the farms, instead of being subdivided, would by degrees be enlarged, and the comforts and independence of the whole community would be gradually increased, by the operation of natural causes, without constraint or violence; and the eye of the philanthropist might look forward with delight to a period, when this unhappy country, for so many centuries distracted by religious and party feuds, might find peace and tranquillity in the possession of a peasantry, raised to a participation in the comforts of life, and having a personal interest in giving effect to those laws by which their properties were protected. Trusting that Ireland may yet be destined to realize so bright a prospect, and that her misguided inhabitants, directed as they now too generally are, and have too often been, to lawless and desperate courses, may yet be recalled to a sense of their moral and religious duties, and that their warm and generous feelings may yet be finally, and for ever, withdrawn from the control of those who so signally abuse their confidence,

I beg to subscribe myself,

Your faithful and obedient Servant,

Armagh, June, 1833. William Blacker.

To the Agricultural Committee of the Royal Dublin Society.

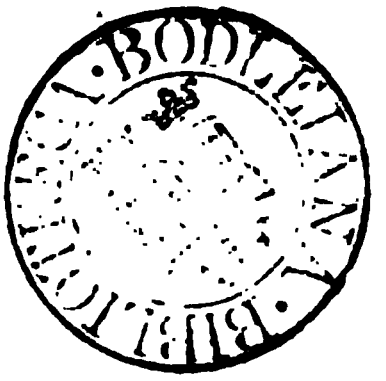


A

DISSUASIVE FROM SEPARATION:

A LETTER

TO SOME WAVERING FRIENDS AT WESTPORT.



BY

REV. J. D. SIRR, A. M. M. R. I. A.

RECTOR OF KILCOLEMAN, DIOCESE OF TUAM.

DUBLIN:

. RICHARD M. TIMS, 85, GRAFTON STREET.

ROBERT H. C. TIMS, 21, WIGMORE STREET, LONDON.

1836.

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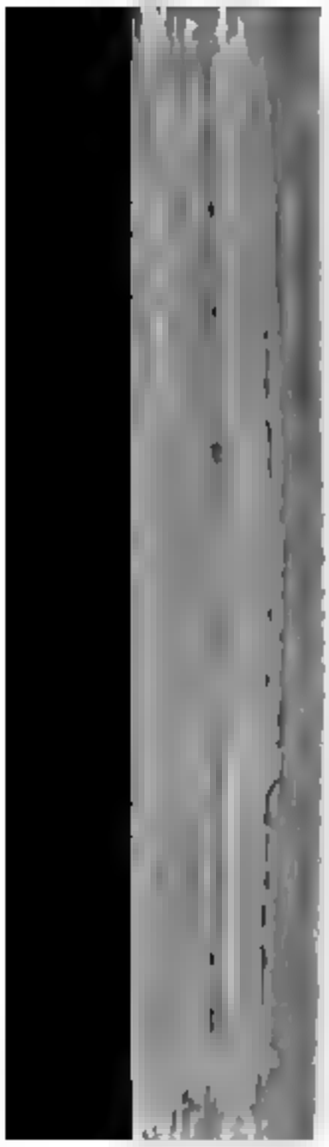


THE WRITER of the following Letter has been u
delay, as a separate tract, instead of waiting to an
a Reply he is preparing to a pamphlet, entitled, "
the Established Church," by the Rev. CHARLES H

A DISSUASIVE FROM SEPARATION,

&c. &c.

To my dear Sisters and Brethren in the Common Faith, at Westport, whose consciences have been disturbed through the subtlety of Satan as to matters too high for them, and who have been tempted to subvert the foundations, multiply schism, and set at nought those who have the rule over them—

I beseech you to hearken to the remonstrance and exhortation I would now, as an unworthy Elder of Christ's Church, address to you in all love. Before it can be lawful for you to adopt the divisive course which my beloved but deceived and fallen Co-presbyters invite you to pursue, it is indispensable that Scripture authority or precedent should be advanced, authorizing any number of individuals in the professing church, to form themselves into a separate community. I boldly and confidently affirm, that no authority for such a course, can be found in the whole compass of revelation. The following examples are indeed recorded, but judge ye whether they be worthy of imitation.

1. The *Pharisees;* they stood aloof from the rest of the Jewish Family, arrogating to themselves exclusively the title, "The Temple of the Lord," and boasted that they were a holier body. 2. The *many Antichrists* in John's days, who continued not in the church, that it might be manifest they were not of it, 1 John ii. 19. 3. The *sensual*, not having the Spirit, *who separated themselves* by

their own self-willed act, but yet had not the presumption to constitute themselves into a distinct body or church Jude 19. Be not imitators of any of these arrogant and unholy men. Walk not in their paths! Except these examples be relied on, you have neither precept nor precedent in Scripture for separation. On the contrary, all precept and precedent is against it. The whole current of Apostolic teaching is addressed to the *correction* of evil and not of *separation* from the church in which it may be found. I now entreat your consideration of the following facts.

1. Our Lord claims to himself, the prerogative of separating the tares from the wheat, and the good from the bad fish, after they have been taken into the net and drawn to the shore. He will himself send the reapers, at the end of the harvest, to collect the tares into *bundles*, or separate bodies, previous to their being burned; and then shall the wheat be gathered for the first time into one homogenous body, and be freed from all adulterating intermixture. He will also send his own angels at the end of the age, and *not before*, to sever the wicked from amongst the just, Matt. xiii. 30, 41, 49. The Lord has himself answered these his impatient servants, who are troubling the brethren, and would fain cast out the tares at once "Let both grow together until the harvest." Set not yourselves then against the Lord's command, nor antedate the harvest.

2. The three measures of meal which the woman took constituted one mass of dough, long prior to the fermentation of the whole. The leaven did not reach, in its fermenting process, each particle of dough at one and the same moment: but it was left in a *hidden* state *in the mass* till the whole was leavened, Matt. xiii. 33. Dare not to withdraw the leaven from the lump.

3. it is the King, and not his servants, who examines the condition of the guests who are collected previous to the marriage supper, decides upon their pretensions, and puts out the man without the wedding garment, Matt. xxii 11—13.

4. It is the Master of the house who will decide upon the conduct of his servants; both those who are in rule and those who are in subordinate positions. Though there are evil rulers in it, still it is *the Lord's House:* and all parties are responsible to him and to him alone. He will

decide between them, and separate the unfaithful brawlers, drunkards, careless &c. from the faithful, and cast them out of his house, cut them off from privilege, (*see margin,*) and inflict the measure of punishment proportioned to the misdeeds of each particular offender. If there be no drunkards, brawlers, &c. in his house, and recognized as his servants, then this exercise of judgment can never take place. It is the fact of such a mixture of servants in His house, that gives all its point to this terrific warning, Matt. xxiv. 45—51, comp. Luke xii. 41—48.

5. It is the Bridegroom alone who shuts the door against the foolish virgins—until then, their folly was not apparent. Ere the Bridegroom cometh, we are therefore called on to watch, not to decide on the state of each individual lamp-holder, or on the measure of oil, with which each may be supplied. Matt. xxv. 13.

6. The unprofitable servant is not called on to account for his neglect and concealment of the talent, till the nobleman's return from the far country. He is not accountable to his fellow-servants; neither has the Lord required it of them, to arraign him before them. Matt. xxv. 24—30.

7. Our Lord did not himself set the example of separation. He not only worshipped in the temple, which he was required to do as under the law, but also in the synagogue, which he was not required to do by the law. Nay, in the formation and institution of the church in His apostles, on whom it was to be built, he himself being the chief corner-stone, he actually included in their number, one whom he himself knew to have a demon; and never exercised discipline upon him, notwithstanding his known covetousness, and his unfaithful use of the bag, which he carried. In bidding all the apostles, including the traitor, to celebrate the memorials of his death, and in actually giving him the symbols thereof, he has shewn us that it was not his purpose to exclude false brethren from the sacrament.

8. Amongst the multitude of them that believed on the first preaching of the apostles, who are said to have been of one heart and one soul, were Ananias and Sapphira, whose hearts were filled with Satan, Acts iv. 32; v. 1—3; and though the apostle smote them with sudden death for lying against the Holy Ghost, yet was this an act of most extraordinary discipline, designed as a warning, not a precedent, and exhibiting the fact at the very threshold,

that to the Lord alone belongeth the vindication of his insulted majesty and grace. Presume not to assume the prerogative of the Lord, or the power of the Spirit-filled apostle.

9. All the baptized were not genuine believers, as appears from the case of Simon the sorcerer, who, though pronounced to be in the gall of bitterness and bond of iniquity, was simply reproved and warned, not excluded from the church.

10. St. Paul did not even separate the disciples at Ephesus from the synagogue, till, after a forbearance of three months, he found divers of the synagogue so hardened as to speak evil of that way before the multitude. He did not deem it needful for their furtherance and joy of faith, that they should, previous to this, assemble in a separate and distinct body, in the school of one Tyrannus. Had the Apostles of Dissent been there, they would not have thus borne with the Jews for a single hour. They would immediately have formed an exclusive meeting. The long-suffering of our Lord towards his church is a feature of his character which they set at nought, and is a particular in which they seem not to desire any conformity to Him. Oh! that we could estimate, as it becomes us, the long-suffering of Jesus.

11. The position of the branches wild by nature, must be analogous to the position of the natural branches of the true olive tree. There was no provision made in the Jewish church for the separation of the fruitful branches from the parent stem, or from the fruitless branches still adhering to it. The excision of the latter was an act of divine judgment; and the Christian church is also forewarned that their standing is a standing of faith, and exhorted not to be high-minded, but fear, and to take heed, lest a similar judicial excision should also cut them off from privilege. It was God himself who cut off the natural branches. It is he also who will cut off the engraffed ones. He hath reserved to himself this right exclusively. Who then is he that dares to assume to himself this prerogative, to unchurch the church, separate the fruitful branches from the stock, and pronounce sentence upon the body? Where is their authority? Where are their credentials? These sons of Levi take too much upon them. If like Korah, Dathan, and Abiram, they have censers, yet are they not thereby authorized to rise up in rebellion against the

rulers of the church—or to trouble the congregation of Israel. Rom. xi. 17—21.

12. Not only are the saints at Rome reminded that the excision of the fruitless branches is not an act that belongeth to them, and directed not to be high-minded but to fear, but they are also specially commanded not to judge the servant of another, for to his own master he standeth or falleth. Neither as regardeth the observance of feasts or of seasons, is he to be arraigned before them. Be he never so weak in faith, yet is he to be received, and not judged of, seeing that the decision of his case is reserved for the final assize. "Why dost thou judge thy brother? or why dost thou set at nought thy brother? for we shall all stand before the judgment-seat of Christ!" If we choose in our wilfulness to anticipate that hour, we can effect no separation but for evil, for in the attempt we must needs put a stumbling block in our brother's way. Rom. xiv. 1, 4, 10, 13.

13. St. Paul, having appealed from the carnal judgment of the Corinthians, albeit they came behind in *no gift*, were richly endowed with supernatural power, and might fairly have undertaken, if any could have done it lawfully, to decide on the measure of ministerial competency in their teachers—St. Paul, I say, asserts his entire independence of the church, as well as that of his fellow-workers, seeing that they are the appointed journeymen, builders, servants, husbandmen, under-rowers, and stewards of Christ, accountable to him, and to him alone, for the due discharge of their office: but still accountable to him; and therefore does he warn his brother-builders against adding combustible materials, worthless dross to the temple which he had commenced in Corinth, and which they were commanded to carry on, seeing that the fire shall try every man's work (i. e. every minister's work), and the day shall declare its character. But to that day he postpones the decision, and by manifest inference, condemns the vain attempt of the gold, silver, and precious stones, to quit their juxta-position with the wood, hay, stubble, be these thrust in never so largely into the pile, or to remove themselves from the building which, notwithstanding this worthless admixture, is still God's building, and the temple of the Holy Ghost, 1 Cor. iii. 3—17. In fact, to separate from this building, because the proximity of wood, hay, and stubble is felt to be grievous,

vould be to set at nought a wholesome trial, would be in effect to separate from the communion of saints, and would be a fearful act of disobedience to Him who alone hath the power of destroying him that defileth his temple.

14. The apostle, pursuing the same train of thought, repudiates any human decision as it concerns his fidelity, being the servant and steward of the Lord and not of man, and then draws this conclusion, which I pray the Great Bishop of the Church to impress upon your consciences—"Therefore, judge nothing before the time, till the Lord come, who will bring to light the secrets of *the darkness*" (which he implies to be in the church), "and will make manifest the counsels of the hearts," &c. 1 Cor. iv. 5. This can never be construed to mean, as I have heard it asserted, that it would be improper to pronounce judicially on the final condition of any, because we are unable to judge as to whether they are elected unto eternal life, for to such a conclusion the reasoning of the apostle did not and could not conduct him. The subject before him was the competency of ministers, their comparative value, their independence of the church's judgment, their responsibility to Christ alone. Though faithfulness to Him who sent them was required, yet was it a very small thing that they should be judged of man; Paul did not judge himself—"He that judgeth me," he to whom the prerogative alone belongeth, he addeth, "*is the Lord.* Therefore judge nothing," &c.

15. Further, in addressing himself to this same church at Corinth, wherein there was so large a proportion of persons given up to such beastly intoxication and gluttony, that they could not even abstain from indulging these vices when they came to the Lord's table, he only puts forth the apostolic power of excluding one member from among them, an unparalleled transgressor, and this man was given up to *Satan* for the destruction of the flesh! Not a word is to be met with through this Epistle, denoting that the righteous ought to separate from so corrupt a church. But, on the contrary, repentance throughout is urged on all—one kind of separation is indeed urged, but it is separation from evil principles and habits, and not a separation from the church. Though the evil leaven was in the midst of them, yet as a body are they called unleavened, and are required to purge out personally from their own bosoms the leaven of malice

wickedness. Dear brethren, this is the purgation which it becomes us to undertake. There is evil enough in our own hearts to purge out, without undertaking either the gratuitous office of purging the church, sitting in judgment upon it, or of forming a schismatical communion. 1 Cor. v. 1—8.

16. Notwithstanding the deep corruption every where charged throughout this Epistle on the church, yet are they *all* addressed as *wise men*, partakers of a cup which was the communication of the blood, and of bread which was the communication of the body of Christ; and though many, as being one loaf and one body. Now mark, this statement is made as a reason for their fleeing from idolatry, to many of the practices of which they were still addicted; for it appears that they actually drank alike of the cup of devils and of the cup of the Lord, fed alike at the table of the Lord and at the table of devils. Although they had outwardly this fellowship with devils and with the Lord, yet are they assured that a real participation with both is impossible, and then rules are laid down for their future conduct. The full exposure of the corruptions of the Corinthian Church would be of so defiling a character, that I abstain from all further allusion, save that which arises necessarily out of a passage in the 2nd Epistle, too commonly quoted in defence of schism, which it does not warrant in the most remote degree, viz.

17. 2 Cor. vi. 14—18. Separation is here enjoined indeed; but the unclean thing to be avoided is, the idolatry of the Gentiles, and particularly the fornication practised in the idol's temple. The separation enjoined was a separation, not from a corrupt church, but from the uncleanness of Paganism.—See, in confirmation, 1 Cor. vi. 15—20.

18. I pass over a great mass of Scripture on this branch of the subject, to direct your attention to the case of the church at Sardis, Rev. iii. 1—4. I believe nothing can be said of a church more truly descriptive of a corrupt, evil, and apostate condition, than what is said of this church. It had *a name to live*, but that was all. "*Thou art dead*," is the manner in which He addresses her, who hath the seven spirits of God. Yet even in this grave-yard there were a few names, which had not defiled their garments—a matter the more extraordinary, as they were every where surrounded with putridity and corruption. A touch would have defiled; and yet, even here, in this revolting charnel-house, there were a few whose garments remained unde-

filed. Now, what saith the chief bishop? Does he require those few undefiled to flee quickly from the sepulchral cavern? No such thing. He saith to this dead church, "Remember, therefore, how thou hast received and heard, and hold fast and *repent*."

19. One instance more. The Apostle Jude, in describing the separatists before referred to, speaks of them as brute beasts, waterless clouds, fruitless trees, wandering stars, for whom the blackness of darkness is reserved, &c.; and yet states, that they actually communicated with the saints in their feasts of love, feeding themselves without fear. But though he calls them spots in those feasts of love, yet he commands not their exclusion, nor requires the saints to separate from them. But this he lays down as the rule to be observed by those who were sanctified in Christ Jesus—"But ye, beloved, building up yourselves on your most holy faith, praying in the Holy Ghost, *keep yourselves in the love of God*, looking for the mercy of our Lord Jesus Christ unto eternal life. And of some have compassion, making a difference: and others save with fear, pulling them out of the fire; hating even the garment spotted by the flesh." Ver. 10—23. Let this be your rule also; and remember, that the garments may be kept undefiled even in a dead church.

The manifest inference derivable from the above facts, (and many others of a similar character might be added,) is simply this—that separation is an evil thing, uncountenanced by the example of Christ and his apostles. This conclusion is, however, met in what I deem a most disingenuous manner.

I. It is argued, that while separation would have been evil before the apostacy set in, that now the call addressed to God's children is, "Come out of Babylon." I reply.

(a.) The apostacy had commenced in John's days—there were then many Antichrists. It was developed largely in the church of Thyatira. Yet that church—though warned against the practices of Jezebel, and censured for suffering her *to teach*—is instructed that this act of discipline does not belong to her—"*I* will cast her into a bed: *I* will kill her children with death: and all the churches shall know that *I* am he that searcheth the hearts and reins." Rev. ii. 10—25. Oh! beloved in the Lord, usurp not the prerogative of Jesus! The children of Jezebel may be among you, but Jesus only searcheth the reins and

hearts. Affect not the possession of such an attribute. Remember what he addeth under these circumstances, after challenging to himself the exclusive power of engaging in such a scrutiny—"Unto you, I say, and unto the rest in Thyatira, as many as have not known this doctrine, and which have not known the depths of Satan, as they speak," (the remnant in the midst of them,) "*I will put upon you none other burden.*" The apostle of dissent would have put on them the burden of discerning the hearts and the reins—even the burden of casting out Jezebel's children. Apostacy was farther developed in the church of Sardis, as we have seen—*it was dead.*

(b.) If by Babylon be meant the temporal power, *the imperial platform*—where the church has her locality, as Israel in her bondage—it is obvious there can be no escape from thence. Israel could not break her chains, nor return to Canaan; yet it is not a little remarkable, that even there she was thus addressed—"*Deliver thyself*, O Zion, that dwellest with the daughter of Babylon." Zech. ii. 7. This was a physical impossibility, yet was it a moral duty. The deliverance depended on herself. It hung on the condition of the repentance, conversion, and supplication of Israel, as represented in and by Nehemiah. His prayer, chapter i., is the prayer of all Israel. Nor is perfect stability given to them in the land, till they make the covenant, repent of their evil, and adopt the required reformation, as related in the close of Nehemiah's history.

But if by Babylon be meant the *drunken whore* of the Apocalypse, then do I challenge all the separatists in Great Britain to prove that the Church of England *rides* the "scarlet coloured beast, full of names of blasphemy; having seven heads, and ten horns:" that "she is drunken with the blood of the saints and martyrs of Jesus:" that "she hath committed fornication with all the kings of the earth, and intoxicated all the inhabitants of the earth with the wine of her fornication." Is this legend inscribed upon her brow—"*Mystery*, Babylon the Great, the *Mother* of Harlots and Abominations of the Earth?" If this be shewn, I submit.

If by Babylon be only understood, however, that which its name imports, *confusion*, there is enough of it every where; but no where so much as in those separate communities which have so mischievously broken the unity of the church, increased schism and disorder, and set up such arrogant claims to power and purity.

II. It is replied, that many precepts of the New Testament must remain a dead letter, unless the children of God come out of a corrupt communion; such as, "Cease to do evil," "Love the brethren," &c. I will examine some of these monstrous misapplications of Scripture.

(a.) "*Cease to do evil,*" is a moral precept, occurring amongst a number of others, Isa. i. 16, addressed to the Israelites individually, and has nothing whatever to say to ecclesiastical discipline. They could not cease to be members of Abraham's family: and though censured for their formal and *unspiritual* services, yet was it imperative on them to attend the temple service, and the feasts of the Lord. The corruption of the Jewish Church was then great indeed, but separation from it would have been a sin. It is indiscreet to refer us to such a precept as a motive of separation; but learn, I pray you, from this place, how wide the interpretation of moral precepts by such teachers is from the mind of the Spirit. The New Testament also contains similar exhortations—"Abhor that which is evil." I trust, brethren, you had learned to do this before separation was proposed to you—even when ye turned from the error of your ways. Continue to do so: but know this, that the Holy Spirit never contemplated to enforce separation, when this precept was penned, Rom. xii. 9: nor yet, when by Peter he wrote the words, "Eschew evil," 1 Pet. iii. 21, was there aught in contemplation but the correction of all irregularities of speech and temper. The general maxim is most wholesome; but when it is urged to make us rebellious against the Lord's ordinances, and to disown those elders to whom he has given the oversight of the flock, then it is wrested from its legitimate purpose: and after this system, the Scriptures become a nose of wax, and you may twist them to any purpose you please. Be assured, the Lord has not made you responsible for the evil that is in others. Too well he knoweth that you are responsible for too much evil in yourselves. If you are to separate from any Christian community in which there is evil, then, to be consistent, you must separate from every Christian community under heaven: for there is no existing community in which there is not evil, allowed and disallowed.

(b.) "*Love the brethren,*" is a precept which can be practised, and is practised, in the Church of England. I appeal to these disturbers themselves, if they are not conscious of

having my love. Most ardently do I love them; and many a painful hour, and sleepless night, have their irregularities caused me. But according to *their* whim, and mode of distorting Scripture, there can be no love of the brethren, unless the brethren are collected into one visible body. Then do I say, that if this be indeed so, it must be impossible to obey the rule, until the manifestation of the sons of God shall take place; for till then, they shall not be exhibited in one. But in the meantime, am I to be told, that those only who have come out of the Church of England are *the brethren*, and that towards them alone can this grace be exercised? Are they not, and thanks be to God for it, a petty, miserable minority? Are all the rest of the brethren, *the great majority*, to be set at nought? and can they safely do without them? Suppose that the majority should only consist of the least honourable members, yet, can they say to the hand and to the foot, we have no need of you, we can do very well without you, we can perform all the functions of the body without you? *When two or three* are agreed, that is enough. I distinctly deny it. The passage just referred to, is perverted, and can only be relied on in special emergencies to which it refers, and may be both in the Church of England and out of it. We cannot do very well without them, nor they without us. But the notion of unity is misconceived; the basis of the union is an *invisible* Jesus, and it is maintained by an *invisible* Spirit. The church of the first born is still an invisible body. The unity itself were not the less real, though we were all deprived of the use of sight, or scattered to the remotest distance from each other, without any possibility of personal acquaintance. Even under such circumstances, the love of the brethren would be a possible attainment, and an incumbent duty. Is there no such thing as the love of God, and of Jesus, and of the Holy Spirit? Can you see them? If they be invisible objects of love, why not the brethren also? It is to the disposition of soul that all such precepts refer. Cultivate it to the utmost extent; so that when you see or meet a brother or sister, you may embrace them with all the warmth of a tender regard, and exhibit towards them all kindness and affection. But renounce not other duties in the vain attempt to exhibit this, or to attain it in the highest degree—a degree in which it can be attained only in that day when the manifestation of the sons of God shall take place. Re-

member, that the saints departed should be the objects of your love, as well as the saints now in the flesh. It is the image of Jesus which is to be loved. If you love him that begat, you will also love them that are begotten of him, whether they be known or unknown. If you have read Isabella Campbell's Life, you will have seen to what an extraordinary degree she carried out this grace towards a sister in Christ whom she had never seen. If you demand visibility as a necessary pre-requisite to the exercise of love, the principle of love will become a mere sectarian feeling. I will mention an instance in proof, to which I would not have referred, but for the present commotion. Before my dear brother Hargrove was deluded with the idea that he ought to abandon the flock over which the Holy Ghost had made him overseer, some of the members of that body to which he now seems to have attached himself, in their sectarian bitterness, actually remonstrated with one highly esteemed among them for having shewn him common hospitality, and brotherly kindness. It was thought inconsistent in him to have acted thus towards a minister of the corrupt establishment. The person alluded to, is a man of too loving a spirit to act consistently on the principle which demands visibility, as exhibited in an associate body, and he was unmoved by the remonstrance. *But he was inconsistent therein.* Was Mr. Hargrove less a brother before his secession than he is now? Be not deceived, brethren—you cannot grasp the phantom by which they seek to allure you.

(c.) "*Forsake not the assembling of yourselves together.*" Do carefully examine the context of Heb. x. 25, and you will perceive without difficulty, that this precept is urged against the course pursued by those who, through fear of persecution, or through a lingering preference for Judaism, absented themselves from the public services of religion. They were ashamed of the cross; and if they did not actually apostatize, and trample upon the blood of the Son of God, yet preferred being associated in public estimation with those who did. The Hebrews were therefore enjoined to make a bold and open profession, by attending the despised worship of the Christians; and to "provoke one another to love and good works," notwithstanding the reproach which such a course would incur; and exhort each other, as I trust you do, to the faithful performance of all Christian duties, "and that the more as we see the day approaching."

These arguments, then, in favour of secession, I maintain to be mere sophistries, unworthy of intelligent and honest men. But I now deem it essential to examine some of the pretensions set up by this self-constituted body.

I. They assume the right of *demolition*. They would subvert the church; but can they form another? They acknowledge they cannot. They do not dare to call their disorganized body *a church*. No church can now be formed.

1. Because the church was formed by Christ himself, and his apostles, ages ago—and the church is one.

2. There are no directions contained in the written word for the formation of churches; for this obvious reason, that it is addressed to churches already existing. They were not to engage in the work of forming churches, for that was the office of the apostles.

3. There is no book of Leviticus in the *New Testament*: all we meet with of the kind, consists of distant allusions to practices already in force.

4. The fact that three or four may meet together in the Lord's name, having first agreed to ask for some one thing—a privilege which belonged to the primitive church—can never be pleaded as affording an exemption from obedience to the church, and continued union with her, and attendance on her public ordinances, and recognition of her rightful officers. I believe this passage, indeed, to be misunderstood; but it suffices for my purpose, that it regards solely an act resulting from a private and voluntary resolve, adopted by two or three individuals out of a large body.

II. They set up a fanatical claim to office, without any derivative authority, nomination, or election.

1. All the brethren, they affirm, have an equal right to teach; and, notwithstanding Paul's question, "Are all teachers?" boldly assert that the universality of the title is evidenced by the case of those who were scattered abroad after Stephen's martyrdom, as they "went every where, preaching the Word." But did they go to the Gentiles? No, truly. They preached the Word to *none* but Jews *only*, Acts xi. 19—that is, they exercised a privilege which belonged to none but Jews, of expounding the word of the law in every synagogue they visited. Thus did our Lord, as a Jew, and thus did Paul. It was so

evident a custom, that when Paul went into the synagogue at Antioch in Pisidia, the ruler sent to him and Barnabas, saying, "Men and brethren, if ye have any word of exhortation for the people, say on." Acts xiii. 15.

2. Derivative authority they choose to set aside. They deny all succession in the ministry since the call of Paul. But he obtained his office from Christ as directly as did the twelve; and it is not a little remarkable that it is from his Epistles we gather the manner of derivative authority, as conveyed to the ministers in the church. To Timothy he writes as to one put in authority by himself over the Church at Ephesus, instructs him as to the selection of Elders and Deacons, and exhorts him not to neglect the gift that was in him, which was given him by prophecy with the laying on of the hands of the presbytery, intimates his superiority to the elders, as he cautions him not to rebuke them, nor to receive an accusation against them, except before two or three witnesses—and charges him to lay hands suddenly on no man. All this we meet with in the first Epistle. In the second, the gift of God which he is required to stir up, is said to have been conferred by the laying on of Paul's hands; and further, the apostle thus commissions him: "the things which thou hast heard of me among many witnesses, the same *commit thou* to faithful men, who shall be able to teach others also," ii. 2. No honest doubt can be entertained that it was with reference to such teachers, he required him, in the preceding Epistle, *to lay hands suddenly on no man*: thus also, writing to Titus, he says, "For this cause left I thee in Crete, that thou shouldest set in order the things that are wanting—and ordain elders in every city, as I have appointed thee;" i. 5, and then he describes the characters whom it would become him to select for that purpose. A quibble has been raised to neutralize the word "*ordain*"—*appoint* is just as good a word. But how will this alter the case? The appointment was in Titus. The same word is used in Acts vi. 3, with reference to the laying on of the hands of the apostles. There is a word however, which occurs in Acts xiv. 23, concerning which there can be no quibble —"when they had *ordained*" (χειροτονησαντες occurs, also, 2 Cor. viii. 19,) "them elders in every church." The word *ordain* in the original, denotes the actual employment of the hand for the purpose. If the subordinate workmen were thus solemnly ordained, as also the elders whom he selected.

there can be no difficulty in understanding how Titus was to proceed in ordaining elders through all the cities of Crete. We have thus arrived at a clear idea of what was the apostle's usage in the matter, an usage which has happily descended to, and is preserved in our church: take heed how you despise the Lord's ordinances, or reject the oversight of that man of God who has been sent amongst you, to feed the flock of Christ in Westport. Esteem him very highly in love for his work's sake: disobey not the command to obey those who have the rule over you. Here is a case, at least, where the pretence cannot be pleaded, that the ministry is destitute of the energy of the Spirit.

3. They maintain that the brethren have competency sufficient to discern the gift in each member, whereby they are qualified as rulers, teachers, pastors, exhorters, &c. That is, they fanatically claim to themselves the respective gifts needful for the exercise of every office in the church, as well as the power of discerning and deciding on the gifts of all such persons, though no formal appointment take place—no ballot is had, and no oral or written designation to office occurs. This claim of discernment is however without Scripture warrant, is against apostolic practice, and amounts in effect to the assertion of having the Holy Spirit amongst them in all his pentecostal power. Indeed, I myself heard it asserted by my dear friend, who claims a fitness for apostolic rule, and whose claim is acknowledged among them, that he was often conscious to himself, when preaching, that he was infallible in what he uttered. But be this as it may, I beseech you to remark, that when the Spirit in pentecostal power was in the church, and when it was taught by infallible men, this power of discernment was neither claimed for the church, nor deemed sufficient to ensure the wholesome instruction and feeding of the flock. So far was this from being the case, that Timothy was left at Ephesus where Paul himself had appointed elders, and Titus in Crete, in order that suitable teachers might be selected and ordained by the laying on of hands. This was deemed essentially necessary in Crete, in order to prevent the disastrous consequences which must have arisen, had matters been left to adjust themselves. The whole responsibility of the selection was thrown on Titus, just because there was no such discernment as is now claimed, or because, as St. Paul informs us, there were many "unruly and vain talkers and deceivers,

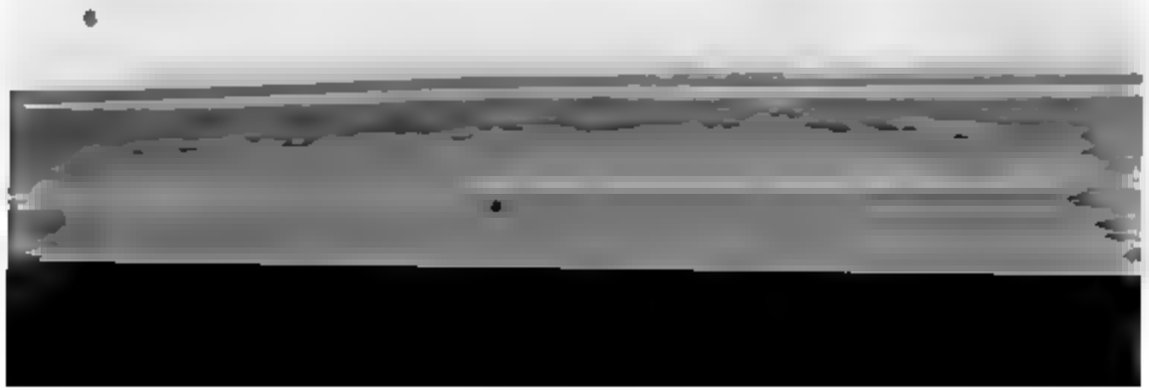
specially they of the circumcision," (who were not to be put out of the body, observe, but) whose "mouths must be stopped, *who subvert whole houses*, teaching things which they ought not, for filthy lucre's sake," Tit. i. 10—13. Had there been discernment enough in the body, no such evil could have been apprehended. The deceivers and subverting teachers would have made no way amongst them, and Paul need not have deprived himself of the company and personal aid of Titus.

All the errors on which I have been animadverting, and against which I warn you, arise from ignorance of what the church is. It would require volumes to view it in every aspect in which it is presented before us in Scripture. I content myself now with one view of it. It is a *school*. The general members of it are but disciples or scholars. Those who belong to the lowest forms are as much pupils as those who belong to the highest. Are pupils in a position which would justify their sitting in judgment upon, choosing, or discerning the qualifications of their teachers? The apostles were disciples of the lowest form at their first call, and very slow they were to learn: but still they were disciples before they knew what manner of spirit they were of, before the Holy Ghost had revealed to them, that Jesus was the Son of God, and before their Master had himself opened their understandings that they might understand the Scriptures. It must be that many pupils remain in ignorance of the first principles, ever learning, but never coming to the knowledge of the truth. Oh! despise not the *alphabet class*, but pray for them to Him who alone can effectually teach them the language of Canaan. It may be a foreign language to them still, but there is the more need that they should have all the advantages of schooling. It was thus Jesus acted. He rejected none as disciples, but many chose, through their own hardness of heart, to withdraw from their Master. They were offended, went back, and walked no more with him. John vi. 66. The scholars of Christ were first *ordinarily* called Christians at Antioch, but yet many were very far from imbibing all his instructions. Witness the cases already referred to. Witness Hymeneus and Alexander. Witness all those in Asia who turned away from Paul, of whom were Phygellus and Hermogenes. Witness Demas, and Alexander the copper-

smith. True it is, that in every large seminary, evil pupils, scholars that are corrupters, will be found. But are scholars to assume the right of discipline, to expel their schoolfellows, and exercise rule, first dismissing their teachers? What is their duty? *Obedience.* They must submit to authority themselves. It is not for them to exercise discipline towards the unruly. Oh! brethren, our duty is to mourn over, and to bewail the corruption that is around us, to pour out our hearts, like Nehemiah, in supplication and confession before God, first for our own sins, and then for the sins of the people—entreating mercy, and beseeching of Him who alone is able to do so, to rectify the evil. It was the absence of this spirit which Paul censured in a corrupt church, 1 Cor. v. 2; and not the absence of discipline, which it did not belong to them to exercise. Be it ours to cultivate that spirit. Let us take heed to instruction ourselves, and imbibe the lessons of divine wisdom.

February 3, 1836.

THE END.



THE

PRESENT STATE OF TIPPERARY,

AS REGARDS

AGRARIAN OUTRAGES,

THEIR NATURE, ORIGIN, AND INCREASE,

CONSIDERED,

WITH SUGGESTIONS FOR REMEDIAL MEASURES;

RESPECTFULLY SUBMITTED TO

THE RIGHT HON. LORD ELIOT, M.P.,

CHIEF SECRETARY TO THE LORD LIEUTENANT.

By Thomas George Stamer Esq

A MAGISTRATE OF THE COUNTY.

* * * * * quæque ipse miserrima vidi,
Et quorum pars magna fui.

PRICE—ONE SHILLING.

DUBLIN:

PRINTED BY G. R. TRACY.

32, LOWER SACKVILLE-STREET.

MAY, 1842.

226. i. 169 (20)

Sent to me from Birr, by my
Grandson Johnston Storey,
July 14. 1842.

TO THE RIGHT HON.

LORD ELIOT, M.P.,

&c., &c., &c.,

CHIEF SECRETARY TO THE LORD LIEUTENANT.

My Lord,

The present position of Tipperary is one of some moment, torn asunder as the Northern Riding of that County is, by the frequency and appalling nature of its Crimes.

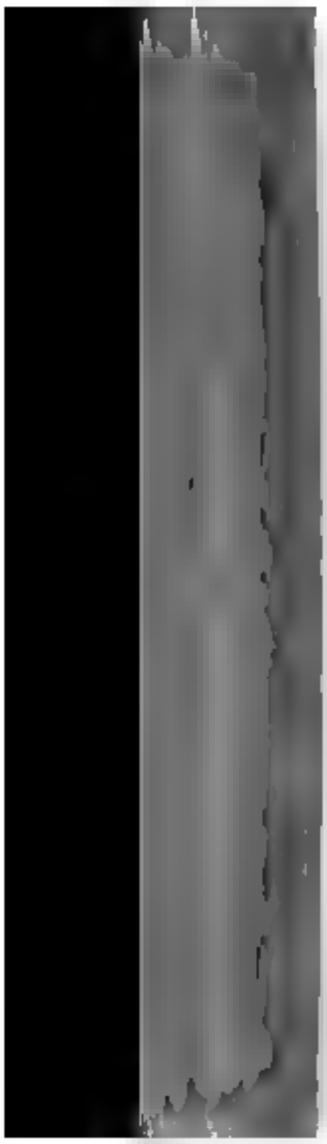
In respectfully and humbly submitting the following pages to your Lordship's notice, impressed with a sense of my own deficiency in ability to place their subject-matter in its true light, I therefore offer the remarks and suggestions they contain, more as subjects for consideration, than as being worthy of guiding you in the administration of your Lordship's high office in the Irish Executive.

I have the honor to be, my Lord,

With much respect,

Your Lordship's obedient, humble servant,

A MAGISTRATE OF THE CO. TIPPERARY.



INTRODUCTORY REMARKS.

The alarming extent and increase of Crime in Tipperary has now become the subject-matter of most grave and painful consideration—a consideration involving, in a great degree, the preservation of life and property, both, now, daily, and hourly assailed by lawless Depredators—those Monsters in human guise, who but too often cause the Widow and the Orphan to lament the fond Protector, doomed to an untimely grave at their guilty hands.

That crimes of every hue have been, and are being, perpetrated in Tipperary, is a fact not to be controverted—a most lamentable fact, which the Newspaper Press, teeming with reports of outrages daily committed, but too truly confirms, as also the reports made by the Constabulary.* Many, indeed, of these acts of outrage are so heinous in their nature—so marked by cruelty, atrocity, and barbarity—as to equal, if not exceed in their details, those of the most savage nations of the earth, excepting only the absence of cannibalism.

To offer some remarks on the nature and origin of these outrages, and the incentives to their committal, to account for their increase, as also to suggest some remedial measures for their suppression, shall be the

* See Appendix for Constabulary Report of Outrages, No. 1.

object of the following pages: a task which the writer deems himself, in some degree, fitted to discharge, by a residence, since childhood, in the county of Tipperary, and his connection with it as a Landlord and as a Magistrate.

Nevertheless, if in doing so he is constrained, through a spirit of justice to all, to make any observations which may be deemed either personal or offensive to any, it is trusted that such will not be imputed to any other motive than an ardent zeal for the public good.

NATURE AND ORIGIN OF AGRARIAN CRIME.

The term "agrarian" having been aptly applied to the "genus" of outrages to be considered, it is to be found that the possession of land, either to keep it, or obtain it forcibly, seems to be the chief "motive-power," or "casus belli" of the disaffected; the Outrages being directed, almost wholly, against those interfering, either directly or indirectly, to oppose the alleged or suppositious rights, claimed by the Riband confederates, to manage and distribute property, according to the rules of their sanguinary and revolutionary code. And scarcely is it possible for the Subject of a free country—the Inhabitant of happy and tranquil Britain, born under the protective pale of the Law and Constitution of the most civilized Nation of the globe—to believe in the tyrannic despotism exercised, in the maintenance of those rights, by the blood-stained lawgivers of Tipperary.

Under the genus, "agrarian," the several species of outrages to be considered may be classed; namely, homicides, violent assaults, malicious injuries to property, and the robbery of fire-arms: and the general system may be thus briefly described—A tenant becomes in arrear of the rent he stipulated to pay for his farm, and which arrear the Landlord seeks the recovery of, or, in default of payment, becomes re-

possessed of the premises. If relet, they are no sooner occupied by the new tenant, than he is visited by a gang of miscreants, who, after dragging him from the arms of his family, and placing him on his knees, bind him by an oath to surrender the farm by a specified day ; at the same time, perhaps, inflicting, as an admonitory warning, a gun-shot wound, or, when more mercifully disposed, such a beating, as often leaves the wretched victim a mutilated object for the remainder of his days, and unable to labour for the support of his family!! A case that is here cited will exemplify this description in all its bearings ; its scene is part of the estate of John Bayly, of Debsboro', in the barony of Upper Ormond, in this County, a Deputy Lieutenant of the County ; and its details have been traced from the year 1825 to the present time :

The widow of Thomas Boland, a tenant to about 40 acres of the lands of Ballynaclough, on the determination of the lease in the year 1825, owed an arrear of rent ; but the farm was offered to be reset to Her and her Sons, on the payment of that arrear, which they were unable to make. It was accordingly advertised, and a person named Michael Gaynor became the tenant, who gave the widow Boland four acres of it, at the same annual rent per acre that he, Gaynor, was himself to pay for the land. Gaynor, thereafter, lived in friendship with his neighbours, until the widow Boland's death, in the year 1839 ;

when, in consequence of some ill-treatment from the sons of the deceased widow, he declined to relet the four acres to them, and threatened proceedings to eject them.

In January, 1840, a party attacked Gaynor's house by night, and, having fired into it, lodged several balls in his bed. On this occasion, a dog, the property of the Boland family, was seen in Gaynor's yard.

17th January, 1841.—Gaynor having proceeded for the eviction of the Bolands by Ejectment process, in returning from the town of Nenagh, he was, at four o'clock in the afternoon, on the public highway, fired at, and afterwards severely beaten ! Wherefore, not being able to attend the Quarter Sessions Court, then sitting, his proceedings became void.

17th January, 1842.—As if to celebrate the brutal act of which this day was the anniversary, Michael Gaynor's son, Edward, was shot at whilst ploughing in his own field, and fell, mortally wounded ! ! !— three men having perpetrated this vile deed, at two o'clock in the day, in a populous neighbourhood, and seen by several persons, none of whom attempted to arrest the guilty parties ; nor has any information been since obtained to bring them to justice ! Edward Gaynor having died of his wounds, and whilst the last rites are bestowing on his murdered remains, the sorrowing Father was threatened with the same fate, if he did not surrender the farm, and which he accordingly did—Mr. Bayly, in the kindest manner,

having remitted to him £80, the amount of rent due, and presented him with £100, in lieu of his crops, and the persecution he had suffered.

Mr Bayly, being abroad, deputed his brother, Richard Uniacke Bayly, Esq., to have the farm tilled, and to take the necessary steps to evict the Bolands.

In order to till the farm, Mr. Bayly's tenantry attended with their horses, and having ploughed that part of the land intended for a Potato crop, it was then let out in half and quarter acres to the poorer classes in the neighbourhood, at a moderate rent.

On the following Sunday notices were posted on the Church and Chapel gates of Ballynaclough, with threats of death to any who dared to sow potatoes, or that should till Gaynor's late farm; in consequence of which, all the poor people who had taken Potato land surrendered it, with the exception of James Roberts, Mr. Bayly's Steward.

On the following Friday, James Roberts was fired at, about seven o'clock in the morning, close to the house of Debsboro', but fortunately without effect, the assassin making his escape, although, in doing so, he must have passed by Mr. Bayly's labourers unmolested.

The next day, Mr. R. U. Bayly received a letter through the post, threatening him with death, "if he did not, within eight days, settle with the men who held Gaynor's farm before him;" and also received

several other communications, that his danger was *real*, and to observe caution in his movements, as it was *fully determined to carry the threat into execution.*

The consequences have been, that neither Mr. Bayly's tenants or labourers can now be induced to work on Gaynor's late farm on any terms. Such has been the intimidation established over the neighbourhood, that they are really afraid, or pretend to be so, to act contrary to the Riband directory; nor can labourers be obtained at any wages, and with Police protection, when informed where they are required: and so the matter now rests.

In another species the course taken is to consume by fire the house over the sleeping and unconscious inmates, reckless of the lives that may be sacrificed, and of the heavy taxation imposed, by Grand Jury assessment, in cases of malicious injury to property: this mode of aggression being extended to the injuring and destroying of all kinds of farm-stock and produce.

We have, in another species, the murder of Robert Hall, Esq., of Merton Hall, in this county—a gentleman possessed of extensive properties in other parts of Ireland, and who some years ago became the purchaser of the splendid Mansion-house and Demesne of Merton Hall, as also of other properties in its neighbourhood. Having been anxious to encourage an improved system of agriculture on his estates, Mr. Hall distributed agricultural seeds of the best sorts, at the first cost price, to his tenantry, allowing them

time until harvest to repay him, and even was in the habit of lending them small sums of money for farm outlay, free of interest, and repayable by easy instalments. Not stopping here, he had even offered premiums for the best crops, of various kinds, raised by his tenantry. But Mr. Hall looked closely after his tenants to prevent waste to his property, and endeavoured to produce a system of punctuality between him and them—a system which his early life, as an extensive merchant, had made a habit to him; and, yet, for so doing, his death was decreed. The circumstances attending the melancholy murder of this gentleman shall be detailed—

"Quanquam animus meminisse horret, luctuque refugit,
Incipiam."

On the forenoon of the 19th May, 1841, Mr. Hall having been informed that one of his tenants at Uskane, his property, was about to burn the surface of some land, and which he had, a few days previous, expressly forbidden, repaired to the spot, and having alighted from his Car, had scarcely reached it when he was shot dead!!! Where? Close to the very hall-door of Uskane, the residence of William Kent, a member of a highly-respectable family, and tenant to about 80 acres of the lands: Kent not only being the person who was so burning the land, but the very person against whom a Bill of Indictment was *found* by the Grand Jury, at last Assizes, for con-

spiracy to murder, and abetting in the murder of Robert Hall; but this we shall have occasion to notice in another place: suffice it to say, Mr. Hall was murdered, as described, in the forenoon, in a populous neighbourhood, where several must have been spectators, and in the midst of his tenantry, who should have been his protectors; and, yet, it is shocking to humanity to add, no hand was raised to avert the assassins' aim, no effort made to stop their flight; and, but for the most extraordinary and unremitting efforts ever used to elucidate the truth, this fell crime would still remain involved in mystery.

Mr. Hall carried on most extensive works on his Demesne in its improvement, and, consequently, thereby afforded employment and support to many; he was, moreover, what is styled "a Liberal" in politics, and a great advocate for the mis-called "rights of the people;" and yet such was the return he met with—such was the measure of gratitude allotted to him!!!

So much do such recitals savour of the fables of romance to ears not truly Irish, as to make them subjects of disbelief: to us they have not even the poor recommendation of novelty; they are the common-place details of similar every-day acts, and which now to pursue would not only extend to an almost indefinite space, but would fill with horror, more than interest, the well-disposed reader: pass we, therefore, on to the next species.

The instances of employers being forced to part with farm Servants, who for honesty and diligence in their Master's business become obnoxious to the ill-disposed ;* and so *vice versa*, the Master is often times obliged to retain in, or take back into, his employment the Servant who has been dishonest and neglectful! or, failing to do so, after warning to that effect, he suffers the penalty of his disobedience.

The next class or species of outrages, and the last to be specially noticed, is, that of the frequent Burglarious Robbery of fire-arms—all other objects of plunder being disregarded by the persons committing those acts. A case which occurred within this month will prove this:—On Sunday, the 8th instant, the Glebe-house, close to the town of Cloughjordan, of the Rev. William T. Homan, Rector of Modreeny, was, during that gentleman's absence at his Church, entered by three armed men and robbed of fire-arms. In searching for these arms, a Desk was broken open which contained Bank notes, on seeing which, one of the gang, bringing forward a Domestic, made her reckon the money, and bound her by oath as to its safety until her master's return ; another having broken a small China ornament, desired that Mr. Homan should be informed that the occurrence was *accidental:* and such are many of the cases.

The next subject to be considered is not easily

* See Appendix, No. 2.

approached, it being one involved in more of doubt and mystery—namely, the *origin* of those outrages. At present it would appear to the casual observer that religious prejudices, or those of party or politics, formed none of the ground-works in the origin of agrarian outrages: such, however, are not the real facts of the case; for, though aggressions are now being directed against the possessors of property generally, with but little reference to sect or party, yet from the seeds of religious and party feelings have the present disturbances germinated. To understand this position, we must look so far back as the Revolutions of the 17th Century—to the forfeiture of Estates consequent thereon—and the introduction of a new race of Settlers into Ireland, the followers of William III., at the termination of those wars in 1691. These Settlers were naturally obnoxious to the subjugated Irish Catholics, who, from that time to the present, even in these days of emancipation, are not without their feelings of antipathy and jealousy towards the descendants of the Conquerors of Ireland: witness the various overt acts of rebellion, some even in the present century, for the overthrow of the British Throne in Ireland, and for the restoration of the forfeited Estates into the hands of Roman Catholics. Such has been the origin of the aggressions against the vested rights of property; but, to carry out that system with any degree of success, property must be

assailed generally.* Yet, there is not an individual amongst the guilty actors who does not implicitly believe that Ireland will yet be theirs—the result of a bloody Revolution. Hence the eagerness of the Irish peasant to be possessed of fire-arms; each stand of which is, in his opinion, the "Title-deed" to a valuable Estate in perspective.

Illegal Societies having, therefore, first originated for the purposes of Party, arising out of religious rancour to the then possessors of property, the system has been, until the present day, going on increasing, as the words of the Latin Poet will describe—

> "* * * * * * * viresque acquirit eundo,
> Parva metu primo; mox sese attollit in auras
> Ingrediturque solo, caput inter nubila condit"—

until, at last, no limit is set to those deeds of aggression. It is, however, to be remarked, that those illegal confederacies consist wholly of Roman Catholics, but, generally speaking, of the lowest and most ignorant classes of society; being confined, almost altogether ostensibly, to farm Servants and the younger branches of the families of small Farmers, who either are ignorant of, or connive at, the guilt of their sons.

The incentives to crime are many and powerful, and hence follows its rapid increase; the most obvious of which shall now be noticed: and in the first rank

*See Appendix, No. 3.

is that vicious and baneful political agitation, adopted of late years by unprincipled and artful Demagogues, for their own aggrandisement and profit—robbing a duped and ignorant people of their scanty and hardly-earned means of support, and plunging them into all the miseries of crime, by the dissemination of foul and seditious harangues, diffused through a Press enjoying too much liberty in its action—a Press, exercising that liberty to a most unwarrantable extent, and, subversive of humanity and loyalty, working, by the publication of inflammatory matter, on the feelings of a too credulous and excitable People.

It may be here mentioned, that the portion of the Newspaper Press containing such objectionable matter is now much in the hands of the people, through the means of the various Temperance Society Committee-rooms, and which, we regret to find, have been turned into places for political debates, and for holding Courts of inquiry into matters foreign to those they were, we will suppose, instituted for. And, though the Temperance Society has caused a great moral regeneration in Ireland, yet it is painful for one who holds it in respect to add, that, so far as regards the present disturbances in Tipperary, the operations of temperance are unfavourable towards their suppression.

To the pernicious System of Money-lending, at rates of enormous Interest, as practised by the Small-money-lender of each locality, may be traced another powerful and fertile incentive to Crime. These

when every Cottage is his sanctuary—when every Spectator is his abettor. Nor can persons now be easily obtained, even for the very large rewards offered, to appear as Crown witnesses—such odium is attached, not only to the parties so appearing, but to their Relations, Connections, and Friends, to a very remote degree; and the being branded with the epithet "*Informer*," is looked on as being far more derogatory than that of "Murderer" or "Robber." An instance is of recent occurrence:—A person named Timothy Horan, at the Assizes of Nenagh in March last, as an approver, gave evidence against his companion, Patrick Burnes, for the murder of Mr. Hall. A Brother to this very Horan had, by good conduct in the service of Mr. Dancer, of Modreeny—a gentleman of the highest respectability, and heir to the Title and Estates of a very old Baronetcy in Ireland—raised himself, from the station of common Labourer, to be that gentleman's Steward, and was consequently in a comfortable position: yet this very man has abandoned all, and is at this instant on the ocean, seeking to hide his *disgrace*, as Brother to an "Informer," far from the land of his birth!!!

Following the foregoing case, very closely, is another incentive—viz.: the tardy and uncertain steps by which justice overtakes the Criminal, and the too frequent impunity of crime, arising from the causes before stated, aided by the mal-administration

of the Laws of late years; and to which may be altogether imputed the present alarming state of Tipperary. Assizes after Assizes pass over without the guilty being convicted, or, if convicted, meeting punishments commensurate with their guilt. In the great majority of cases, the Prisoners escape altogether, by unfit persons being permitted to serve on Juries; which has been chiefly owing to the Crown Prosecutors waiving, and most culpably doing so, the right to challenge, or set aside Jurors, whose rank in society—whose trade, or calling, in business—whose expressions and acts—and whose fear and partiality, constitute them unfit and improper persons to serve on Juries, where the issues of life and property are at stake. Much would rest with the High Sheriff of Tipperary in his formation of a Petit Jury panel; for were he, the Sheriff, to frame his Petit Jury panel, having a due regard to classification as to property and station, without any reference to creed or party, then, indeed, would be found at the head of that panel, in this the Northern Riding of the county, at the least, one hundred names, and which would be, *in themselves*, a sufficient guarantee to the public for the correctness of their verdicts. Such has not been the case; and, turning to the Petit Jury panel of the last Spring Assizes, held at Nenagh, it will be found that its classification had only reference to Creeds, but in all other respects the persons composing it were huddled together promiscuously. Not that the High

Sheriff, himself a man of honour and impartiality in all his acts, is further blameable than inasmuch as he was following the very bad example of his Predecessors in office, with the single exception, for some years, of the Hon. F. A Prittie, who, at the Special Commission held at Clonmel in the year 1839, returned on his panel the names of the Magistracy and leading men of the county. In the Appendix will be found the Petit Jury panel of Nenagh Spring Assizes, 1842, and attached to the names the amount of Freehold registered by each;* and which would, so far, serve as an index to classification as regards property. What the issue of that Commission of Assize was, may be contemplated, on turning to the Appendix† for the Rule of Court at its termination, and contrasting it with the Summary of the Calendar of Prisoners for trial. One of the trials, and which occupied the Court for two days, was that of Patrick Burnes for the murder of Robert Hall. In this case two Approvers were produced for the prosecution, who gave their evidence both clearly and satisfactorily, strongly corroborated by other witnesses; and, yet, the Jury were discharged without having agreed to a verdict; the numbers having been—*eleven* for acquittal, and but *one* for conviction.‡

* The writer having endeavoured to procure a copy of the Jury panel in the proper quarter, has not been able to obtain it, which must be his apology for its non-appearance in the Appendix.

† Appendix, No. 5. ‡ See Appendix, No. 9.

This case being still " sub judice," no further reference shall be made, unless as to the Jury empanelled to try it. So arranged was the Petit Jury panel to the taste of the Agent who conducted the Prisoner's defence, that, without expending the 20 peremptory challenges permitted by Law, a Jury was formed ; and that that intelligent Professional gentleman was correct in the estimate he had formed, the issue was a very distinct proof. There was on that Jury one person, and perhaps more than one, who had avowed scruples to convict where the life of the accused would be the forfeiture for the crime : and, yet, though this fact, as the writer has reason to believe, with others equally powerful, was known to persons conducting the prosecution on behalf of the Crown, but one Juror was set aside by them. It can scarcely be imagined, that a case in itself of such importance, and one which actually involved the future peace and tranquillity of the country in its issue, should be thus recklessly entrusted to the hands of persons, who, some by their interests and occupation in trade—some by their actions and expressions—and others by their fear and partiality, were totally unfit to try it. Far better would it be, indeed, to have a general Gaol delivery by Proclamation, than, by continuing to enact such farcical scenes in a Court of Justice, to bring disrespect on one of the most perfect forms of Laws ever promulgated ; and from which follows another very

deplorable consequence ; - to wit—the very many cases where the witnesses for the prosecution encounter more risks than the accused, and find him "*at home*" before themselves. This very circumstance has an effect injurious beyond contemplation, throwing impediments, scarcely to be numbered, in the way of Magistrates, in bringing accused parties to trial in this County.

REMEDIAL MEASURES SUGGESTED.

The first Remedy which the writer would suggest for the suppression of "agrarian crimes" in Tipperary is, to make the Peasantry *respect* the Law of the land. Not that *moral respect* which flows from loyalty, for that could not be inculcated; but that *physical respect* which operates by a fear of punishment, if placed within the powers of the Law. To effect this, the accused parties should be brought to trial with more celerity than the ordinary course of periodical general Gaol deliveries, as now arranged, admit of ; and convictions being had, that commensurate punishments should *instantaneously* follow them. Only let the extreme Sentence of the Law, the punishment of *death* be altogether expunged from our Statute-Book, and let our fellow mortal, whom *we* have pronounced *Guilty*, be *immediately* sent from his Home, from his Family, and from his Friends, to spend in all the miseries of Slavery and Exile the residue of that term

of life which the Almighty Judge of all men may allot to him.

To carry out the principle of Crime and its Punishment, following closely on each other, the ordinary Law of the land is armed with sufficient powers. Let Commission after Commission issue for the trial of Offenders—not such mockeries of justice as are enacted at each periodical Assize Commission, at which Judges possessed of too *nice* feelings, and Petit Juries possessed of too much *fear* and *partiality*, preside; but let the Judge be one of good moral courage, and let the Juries be composed of such men, and they are to be had, as, from their rank and property in the County, will "a true verdict give according to the evidence," and, it may be added, "without fear, favour, or affection, or through malice, envy, or ill-will."

As the ground-work of the foregoing, a numerous and effective Police force is most necessary, in the hands of energetic and talented Stipendiary Magistrates, who are most useful and requisite to assist the Local Magistracy in disturbed Districts. But the Police force is by no means sufficiently numerous in disturbed Districts for effect; nor is there a sufficient facility at present existing in the hands of the Magistracy, either Stipendiary or Local, for the concentration of bodies of Police at certain points, or for inereasing their numbers in cases of urgency; in other words, too much delay takes place in *correspondences* with the heads of the Constabulary de-

partment before the necessary orders are given, and, to use a very vulgar phrase, "*the Stable-door is shut when the Horse is gone.*"

There are, however, those sagacious Financiers who, at all times, will argue against a large Police force, on the grounds of the increased taxation thereby incurred to the County; but let those persons only calmly and candidly consider the taxation imposed by the commission of crimes—instance the expenses of Prisoners filling our Gaols to overflowing, the various incidental expenses attending their trials, &c., &c., and last, not least, the amount of the annual taxation to compensate for malicious injury to property—let these various items be placed to the credit side of the account of expenditure for an increased Police force, and then strike a balance, and it will be found, we doubt not, that a large Police force, in such a County as Tipperary, is a *saving* of taxation.*

The force should, however, as before stated, be more easily moved or concentrated as occasion required, and, in addition, should be provided with Camp equipage, as many cases occur where houses cannot be obtained, either through a want of suitable houses, or where the owners either will not, or dare not, let them to Police.

Having now suggested what may appear to be

* See Appendix, No. 6.

measures of Severity and Coercion, it must be explained that these in their issue will prove more humane and moderate than those of the Temporizer and Conciliator. The misguided Peasantry would soon begin to feel the supremacy of the Laws, and would return from their criminal habits to those of Industry and Peace ; and such a state of things being effected, the *disease* being eradicated, *tonics* should be applied.

Most stringent means should be adopted to put down that baneful agitation of the *Few* who, at the expense of the *Many*, encourage the Criminal against his God, the Subject against his Sovereign, and the Tenant against his Landlord and Benefactor ; not but "*that Property has its duties as well as its rights*"— "duties" that ought to be very feelingly and strictly attended to, on that Divine principle, of "Do unto others as you would wish to be done unto," and not on that too frequently adopted by mercenary and unfeeling men, *the gratification of their own whims*, *the enrichment of their own coffers ;* and to render small Tenements and Farms more easily procurable to the lower classes, a shorter and less expensive Process for the recovery of such should be adopted ;* and also a more defined and easier system for the collection of the rent of Con-acre land, which would open an increased field to the more humble classes to raise

* See Appendix No. 7.

provisions, should be enacted ;* and, to conclude, a Bill cannot be framed too strong to prevent improper persons being possessed of fire-arms.

The foregoing had been just ready for the Press, when two more murders, both of the most atrocious nature, are added to the catalogue of crime in Northern Tipperary!! And, oh! are not such acts sufficient to cause an offended Deity to pour out the phial of his wrathful vengeance on a land rich and fertile in its soil, and capable of supporting in happiness and industry its abundant population? The particulars of one is given as detailed in the *Nenagh Guardian* Newspaper of the 21st instant, and are as follow :—

"MURDER AND INQUEST.

"The blood of another slaughtered victim cries unto Heaven for vengeance against North Tipperary. The wail of the widow and her five helpless orphans is heard aloud, startling the stillness of morning; and the heart of humanity shudders with horror at the mention of the barbarous and revolting atrocity. The victim in the present instance was a man in the humbler walks of life; and his alleged offence that of summoning trespassers in his capacity of under care-taker on the lands of Kilgurtin, a portion of the Bowen estate, in this county. It seems he left his lodging-house at Toomavara on the morning of Wednesday, between the hours of four and five o'clock, for the purpose of visiting those lands; and that in about an hour after he was found lying on his face and hands on a dung-heap by the road side, in the very last shiver of death, with a gun-shot wound in his neck, and the back

* A Bill for the better regulation of Con-acre lettings in Ireland was, some years ago, brought into the House of Commons by Mr. Lucas, the present Under-Secretary for Ireland, but did not become the Law.

part of his head badly fractured in two places. There is a veil of mystery thrown over the murder which is sickening to reflect on. For the further particulars we refer our readers to the inquest, of which we give a copious account.

" The body of the murdered man exhibited a frightful spectacle. His face was all burned and black from the powder, except a small streak of blood about the mouth; one of his eyes was swollen and much bruised; his bosom was scorched, for the wadding of the gun or pistol having lodged, burned his waistcoat and shirt; so that he must have suffered, along with the other agonies of death, the torture of burning. There was only one wound in the neck, though two pistol balls had been extracted, and the back part of the head broken in. One of the hands was much burned, from which one would be led to believe that even in death the murdered man must have 'clutched' the burning garment on his bosom.

" When deceased was brought into Toomavara on a car by the police, the man with whom he had lodged refused to admit the dead body into his house; every door was shut against it; and the result was, that the bloody and blackened carcass lay on a dunghill, like some vile and loathsome thing, until the police towards evening broke open for its reception a waste tenement belonging to Mr. Justice.

" It was the fear of a similar fate that operated on the people so as to lock up the springs of sympathy. The vengeance of Ribandism dies not with its victim. It wars even with the dead. It follows the gory and mangled corpse to the very brink of the grave, and gloats with fiendish exultation as the clods rattle on the sounding coffin—as the widow and her hungry orphans raise the wild wail of desolation over the grave that closes for ever on their earthly hopes.

" Such crimes as these are 'enough to freeze the blood.' Upon horror's head, horrors accumulate; and the very mention of the name of Tipperary conjures up before the mind's eye scenes of hideous barbarity—scenes before which the deeds of the savage Indian that prowls the prairie with his murderous tomahawk, sink into insignificance.

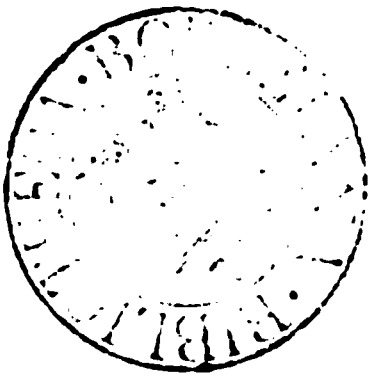
" The inquest was held in the village of Toomavara, which is

about an English mile from the scene of murder. Major Priestly, the Provincial Inspector; Joseph Tabiteau, Esq., R.M.; James Willington, of Castle Willington, Esq., J.P.; and Mr. Sub-Inspector Blake, were in attendance. These gentlemen (for deceased was only worth three pence when he was murdered) raised a subscription to defray the expenses of burial, and to procure subsistence for the widow and orphans, until Mr. Willington would procure them an asylum in the Nenagh Poor-house."

The second, the murder of Rody Kennedy, a most respectable farmer, residing about one mile from the town of Cloughjordan, who, at an early hour on Friday morning, the 20th instant, left his home, it is supposed, for the purpose of repairing a fence, having taken a hatchet in his hand. Not having been seen by his family for the day, they felt rather uneasy at his absence, but had a hope that he had gone to his father's, a few miles off. His dead body was, however, yesterday morning discovered by a woman going to milk her cow, concealed underneath some bushes at the fence he had been repairing; the greater part of the head being cut away, the brains and portions of the skull dashed to pieces!!! the whole presenting a most appalling sight; one of which the writer himself was an eye-witness, and in whose ears the cries of the orphans are yet ringing. Alas! when will such deeds of blood end? The hachet has not been found as yet; all is involved in supposition.*

*See Appendix, No. 8.

APPENDIX.



APPENDIX—No. 1.

Return of Outrages committed in the Nenagh, Borrisokane, and Newport Police Districts, during Three Months, commencing 10th February, and ending 10th May, 1841, compared with the corresponding periods of the year 1842. shewing Increase and Decrease.

DISTRICTS.	Homicides.	Firing at the Person.	Appearing Armed.	Firing into Dwellings.	Attack on Dwellings by Armed Parties.	Highway Robbery.	Waylaying.	Robbery of Arms.	Demand of Arms.	Incendiary Fire.	Killing or Maiming Cattle.	Levelling.	Robbery.	Abduction.	Threatening Notices or Letters.	Cattle Stealing.	Malicious injury to Property.	Infanticide.	Turning up Land.	Appearing Disguised.	Aggravated Assault.	
NENAGH.....	1	2	13	10	10	0	1	1	0	4	2	1	1	1	14	3	2	2	2	0	0	
BORRISOKANE	1	1	9	2	3	0	0	0	1	2	1	1	1	0	12	1	1	0	0	0	4	
NEWPORT.....	0	0	4	0	0	0	0	0	0	2	0	1	1	0	4	0	0	0	0	0	3	
1841 Total..	2	3	26	12	13	0	1	1	1	8	3	3	3	1	31	4	3	2	2	0	7	125
NENAGH.....	0	4	9	12	9	0	1	3	2	3	1	2	2	0	20	1	3	0	0	0	1	
BORRISOKANE	0	0	0	3	5	0	0	3	3	3	0	0	0	0	2	0	1	1	0	0	3	
NEWPORT.....	2	3	3	5	5	1	0	2	0	1	0	1	1	0	3	0	2	0	0	0	1	
1842 Total..	2	6	12	20	19	1	1	5	4	7	1	3	3	0	25	1	6	1	0	0	5	125

(NOTE.)—The above Report by no means gives an adequate idea of the real state of the Country, many cases of "Demand of Arms" not being reported to the Authorities, but more especially "Threatening Notices and Letters," which, if reported, would amount to *Hundreds* instead of *Units*, as the writer has reason to know; yet such, my Lord Eliot, are the "Data" on which, and which alone, you seem to form your estimate of the state of Crime in Tipperary.—See your Lordship's Speech as reported in the Debates in the House of Commons, in Reply to a Question put by Mr. W. S. O'Brien as to the Disturbances in Northern Tipperary.

APPENDIX—No. 2.

On yesterday afternoon, 29th May instant, two Riband-men one of them armed with a Pistol, went to the House of Mr. John Hogan, late Butler to Earl of Ross, and now the proprietor of a large Farm on his Lordship's Estate at Carrigagown, about four miles from Borrisokane, and having met Mr. Hogan outside his House, one of the fellows presented the Pistol at him, and ordered him, on pain of death, to dismiss his Steward, William Brown! Some friends, luckily at this moment, rushed from the House, and, after a sharp race, and desperate contest, in which one of the Ruffians attempted to discharge his Pistol, which *burned priming*, close to the head of George Macdonald, and, after the exchange of several severe wounds and knocks-down, succeeded in making Prisoners of the two, whom they handed over to the next Police party.

The Persons concerned in this praiseworthy and valiant act deserve to have their names recorded; and, not only that, but we sincerely hope that John Hogan, George Macdonald, Thomas Gribbins, William Brown, and William Allt may soon receive some *signal mark* of the esteem in which such a noble act, and one so *uncommon* in Tipperary, is held by the Government and the Gentry of the County. An handsome Contribution is not only called for, to Reward those good and true men, but also as an example and stimulus to others "to go and do likewise."

The writer has just ascertained that Patrick Dwyer and Cornelius Flynn, the two Prisoners, are *the Sons of comfortable Farmers*—the one possessed of 40 acres, the other 20 acres of land.

In consequence of rumours of an attack being contemplated last night on Hogan's House, by 60 *armed men*, seen late in the evening about the neighbourhood, the Resident Magistrate, Captain Duff, and a large Police force, have been out all night, but did not fall in with them.

May 30th.

APPENDIX—No. 3.

The Letter, of part of which the following is a copy, gives some idea of the immediate objects of the Riband Confederacy: it was addressed to a Gentleman in the North Riding of Tipperary, and seems to be an apology for the posting of a Notice threatening that Gentleman:—

"Kilgurtin, 17 June, 1841.

"Sir—I send you those lines to remove all doubt from your mind concerning the Notice I understand was put up for you,—it was not from me. Believe me I hold a greater esteem for you than to put you on a level with Tyrents. I respect the law of the land and all those who administer it, for which I hold you as one of them. What I want to put down is what you can't get at by the law of the land—that is Tyrents of all descriptions—wicked Rich men that is denounced in the Criptures, when their own bellies is pampered, has no compassion on the poor; but still oppress them, dispossesses them, turn them out of doors in the couldest seasons, let them live or die no compassion for them—them is the people I mean to put down and will put down. Sir, be assured you are welcome to travel all parts of this country night or day, for you are held in esteem to be a charitable good man to your tenantry and the poor in general. Don't think I would put you on a level with a P——t, G——, H——, or P——, or any other such blodsucing Tyrents as them. It was some brat put up that notice that had no understanding—therefore banish all thoughts of it from your mind, and send back your * * * * again, and I will go bail the shall be cared for you, for I will give orders to my men to watch and protect them, which they are eager to do so. All the information I got I will give it to you. * * * * * * *

* * * * * * * * * *

As I told you H—— saw the man posting up the notice—between them they are the pack that put up the notice I am sure.

"No more at present, but remain

"Your humble servant,

"CAPTAIN SUNSHINE."

APPENDIX—No. 4.

Extracts from Report of Tyrrell's Pass Loan Fund Society for the year ending 31st December, 1841.

In the course of the season, sixty-six tons of meal were sold from the store, of which the effects were:

1st—That the markets were lowered, it is said, 5s. ⅌ cwt. for ten or twelve miles around Tyrrell's Pass; and

2nd—That the meal-mongers, who, in the beginning of the season, had been demanding 21s. per cwt. for their meal, were glad to dispose of it at 13s. Farther—very many, nay, most of those who thus preyed upon the poverty of poor farmers, have abandoned the traffic.

The value to the small farmers and labourers of this issue of meal is almost incalculable. To use their own language—it saved numbers from the road—that is, from begging—and kept the roof over others.

It only now remains to advert briefly to the operations of the past year. It was a year of difficulty and distress, and both were aggravated by the three preceding years of severe pressure on the landholders.

To the interposition of the Loan Fund, in its various operations, may be ascribed a considerable mitigation of these hardships.

The issues in the year in Money were,	£22,655	0	0
Do. in Seeds, ...	245	8	10½
Do. in Meal, ...	861	1	9½
Do. in Agricultural Implements,	13	0	0
Do. in Wool, ...	256	11	8
	£24,031	2	4

A capital of this amount worked in the vicinity could not fail of being productive of either much good or much evil.

APPENDIX—No. 5.

Calendar for the North Riding of Tipperary, Spring, 1842.

Murder,	...	...	...	6
Aiding in do.	...	...	...	10
Attempting Life,		...	...	1
Appearing in Arms,		...	...	3
Administering Unlawful Oath,			...	6
Attacking Houses in Arms,			...	5
Assault,	...	...	...	1
Conspiracy to Murder,		...	...	1
Felonious Assault,		...	...	3
Grievous Assault,		...	...	2
Having stolen Cows in possession,			...	2
Ditto, stolen Goods,		...	...	2
Larceny,	...	...	...	2
Robbery of Arms,		...	...	2
Sheep Stealing,	...	...	...	1
Threatening to take Life in Arms,			...	4
		Total,	...	51

Rule of Court.

Transportation for Life.

John Hogan, for aggravated Manslaughter, ... 1

For Fourteen Years.

John Harding, for Administering an Unlawful Oath, 1

Imprisonment for Eighteen Months.

Patrick Quinlan and Patrick Skehan, for Appearing in Arms, ... 2

For Twelve Months.

Patrick Ryan, for Manslaughter, with hard labour.—Michael Murphy, for Sheep Stealing, and George Sewel, for Perjury, the first nine months at hard labour.—Mary Ryan, for Larceny, ... 4

For Nine Months.

Martin Jones and Martin Williams, for Manslaughter, the first six months at hard labour, ... 2

For Six Months.

Michael Ryan, for Appearing under Arms; and Joseph Connolly, for Felonious Assault, with hard labour.—John Dooly, for Cow Stealing, ... 3

For Three Months.

Tim. Ryan and James Jones, for grievous Assault. with hard labour, ... 2

APPENDIX—No. 8.

The writer is happy to be able now to state, that, through the instrumentality and exertions of Captain Duff, R.M., Borrisokane, the savage murderer of Rody Kennedy has been discovered. James Shea has been committed to Gaol as the Principal, and James Harty as the Conspirator—on evidence *satisfactory in every respect.* James Shea is the Farm-Servant to James Harty, *the Partner in the Farm with the murdered Kennedy.* The Hatchet has been recovered, clotted with Blood and Hair.

May 30th.

APPENDIX—No. 9.

Mr. Thomas Parker, the Juror who held out for a conviction in this case, has, in consequence of information conveyed to him through a Government Officer, of a conspiracy to take his life, left this county to lay his case before his Excellency the Lord Lieutenant—the reason assigned being, not only to punish Mr. Parker for his conduct as a Juror, but to *intimidate* any future Jury empannelled to try the case.

APPENDIX—No. 7.

As a proof of the necessity for some Enactment to facilitate the recovery of small Holdings, many cases might be given; one may here suffice:—In the week now current the Sub-Sheriff of Tipperary attended, accompanied by a Police escort, to give possession, under an "Habere," of certain Houses and Lands on a property in the Barony of Lower Ormond. In the course of his duty, the Sheriff was obliged—heartrending as such a proceeding was—to have removed from their Houses, and from their *Beds*, some members of a Family lying ill in contagious Fever!! it being totally impossible for the Sheriff, or even for the Landlord or his Agent, if present, to admit them to retain, or re-enter into possession, such are the delays and expenses this proceeding would admit of—and which the Peasantry are too fond of taking advantage of. The consequences are, that they are, in those cases, generally dependant on their neighbours' charitable feelings for a lodging—the Landlords frequently, perhaps at their own loss, levelling the Houses, to prevent re-occupation. The extension of the Act of 1st and 2d Victoria, entitled "An Act to facilitate the recovery of small Holdings," might prove useful.